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# Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

## Report of the Third Committee*

*Rapporteur*: Ms. Katharina **Konzett-Stoffl** (Austria)

## I. Introduction

1. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-third session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item jointly with sub-item (a), entitled "Implementation of human rights instruments"; sub-item (b), entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms"; and sub-item (d), entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action", and held a general discussion on item 74, "Promotion and protection of human rights", as a whole at its 17th to 37th meetings, from 15 to 19, from 22 to 26 and on 29 October 2018. The Committee considered proposals and took action on the sub-item at its 48th, 49th and 50th meetings, on 15 and 16 November. An account of the Committee's consideration of the sub-item is contained in the relevant summary records.[1]

* The report of the Committee on this item is being issued in five parts, under the symbols A/73/589, A/73/589/Add.1, A/73/589/Add.2, A/73/589/Add.3 and A/73/589/Add.4.

[1] A/C.3/73/SR.17, A/C.3/73/SR.18, A/C.3/73/SR.19, A/C.3/73/SR.20, A/C.3/73/SR.21, A/C.3/73/SR.22, A/C.3/73/SR.23, A/C.3/73/SR.24, A/C.3/73/SR.25, A/C.3/73/SR.26, A/C.3/73/SR.27, A/C.3/73/SR.28, A/C.3/73/SR.29, A/C.3/73/SR.30, A/C.3/73/SR.31, A/C.3/73/SR.32, A/C.3/73/SR.33, A/C.3/73/SR.34, A/C.3/73/SR.35, A/C.3/73/SR.36, A/C.3/73/SR.37, A/C.3/73/SR.48, A/C.3/73/SR.49 and A/C.3/73/SR.50.

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3. For the documents before the Committee under this sub-item, see document A/73/589.

4. At its 1st meeting, on 2 October, the Committee decided to invite special procedure mandate holders of the Human Rights Council and chairs of treaty bodies mandated to report to the General Assembly at its seventy-third session to present their reports and interact with the Committee, and to postpone its invitation of the Chair of the Commission of Inquiry on Burundi and the Independent Expert on the situation of human rights in Somalia.[2]

5. At the same meeting, the representatives of Burundi, Somalia, the Sudan, the Comoros, Egypt, Morocco, Mexico and Austria (on behalf of the European Union) made statements, to which the Secretary of the Committee responded.

6. Also at the same meeting, the Committee decided to revert to this matter at a later stage.

7. At its 9th meeting, on 8 October, the Committee recalled that, at its 1st meeting, on 2 October, the delegation of Burundi requested a legal opinion on the legal basis for the inclusion of the Commission of Inquiry on Burundi on the list of special procedure mandate holders that was before the Committee. Also at the 9th meeting, the Secretary of the Committee advised that a legal opinion could be requested only by the Committee, which was to also approve the questions to be addressed in the opinion. The Committee subsequently deferred its decision regarding its invitation to the Commission of Inquiry on Burundi and to the Independent Expert on the situation of human rights in Somalia.[3]

8. At the same meeting, the representatives of Austria (on behalf of the European Union), Egypt, Liechtenstein (also on behalf of Australia, Canada, Iceland, New Zealand, Norway and Switzerland), Morocco, the Syrian Arab Republic, the United States of America, Burundi, the Russian Federation, Cuba and China made statements, to which the Secretary of the Committee responded.

9. Also at the same meeting, the representative of Saudi Arabia made a statement.

10. Also at its 9th meeting, the Committee postponed the vote requested by the United States on the proposal of the representative of Burundi to request a legal opinion.

11. At the 10th meeting, on 8 October, the representative of Burundi made a statement and moved the adjournment of the debate, under rule 116 of the rules of procedure of the General Assembly, for 48 hours on the proposal to seek a legal opinion relating to the inclusion of the Commission of Inquiry on Burundi on the list of special mandate holders before the Committee.[4]

12. At the same meeting, statements in favour of the motion were made by the representatives of Morocco and the Syrian Arab Republic.

13. Also at the same meeting, statements on a point of order were made by the representatives of Austria, the United States, Mexico, Egypt and Morocco.

14. Also at the 10th meeting, the motion was adopted by a recorded vote of 67 to 56, with 11 abstentions. The voting was as follows:

[2] See A/C.3/73/SR.1.
[3] See A/C.3/73/SR.9.
[4] See A/C.3/73/SR.10.

*In favour*:

Algeria, Angola, Antigua and Barbuda, Bahrain, Bangladesh, Belize, Bolivia (Plurinational State of), Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Ghana, Guatemala, Guinea, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kenya, Libya, Malawi, Mali, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Pakistan, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against*:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechia, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining*:

Bhutan, Fiji, Jamaica, Lebanon, Malaysia, Mongolia, Philippines, Qatar, Republic of Korea, Rwanda, Thailand.

15. At the same meeting, statements were made by the representatives of the Comoros and Somalia.

16. At the 14th meeting, on 10 October, the proposal to seek a legal opinion from the United Nations Legal Counsel was adopted by a recorded vote of 91 to 1, with 66 abstentions.[5] The voting was as follows:

*In favour*:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, South Sudan, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

[5] See A/C.3/73/SR.14.

*Against*:

United States of America.

*Abstaining*:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Uruguay.

17. Before the vote, statements in explanation of vote were made by the representatives of Morocco (on behalf of the Group of African States), the United States and Cuba; after the vote, statements in explanation of vote were made by the representatives of the Syrian Arab Republic and the Bolivarian Republic of Venezuela.

18. At the 19th meeting, on 16 October, the Chair informed the Committee that the note by the Secretary-General pertaining to the exchange of letters between the Chair of the Third Committee, who was requesting a legal opinion, and the Assistant Secretary-General in charge of the Office of Legal Affairs, who was providing the legal opinion, had been issued as document A/C.3/73/2.

19. At the same meeting, the Committee decided to invite the Independent Expert on the situation of human rights in Somalia to present his report and interact with the Committee.

20. Also at the same meeting, the representative of Burundi made a statement and requested a recorded vote on the proposal to invite the Chair of the Commission of Inquiry on Burundi.

21. Also at the 19th meeting, the proposal to invite the Chair of the Commission of Inquiry on Burundi was adopted by a recorded vote of 73 to 33, with 32 abstentions. The voting was as follows:[6]

*In favour*:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Against*:

Algeria, Angola, Bahrain, Belarus, Burkina Faso, Burundi, Cameroon, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Eswatini, Gabon, Iran (Islamic Republic of),

[6] The delegation of the Congo subsequently indicated that it had intended to vote against, and the delegation of Montenegro subsequently indicated that it had intended to vote in favour.

Libya, Mauritania, Morocco, Myanmar, Nicaragua, Russian Federation, Saudi Arabia, Sierra Leone, Sudan, Suriname, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

*Abstaining*:

Antigua and Barbuda, Bangladesh, Belize, Benin, Bhutan, Brunei Darussalam, Ethiopia, Gambia, Ghana, Guyana, India, Indonesia, Iraq, Jamaica, Jordan, Lao People's Democratic Republic, Lebanon, Lesotho, Mali, Mauritius, Mozambique, Namibia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Senegal, Singapore, South Africa, Sri Lanka.

22. Before the vote, a statement in explanation of vote was made by the representative of Austria (on behalf of the European Union); after the vote, statements in explanation of vote were made by the representatives of Nigeria, Namibia and Zambia. Statements were also made by the representatives of the Congo and Montenegro.

23. At the 17th meeting, on 15 October, the United Nations High Commissioner for Human Rights made an introductory statement and responded to questions posed and comments made by the representatives of Morocco (on behalf of the Group of African States), Cuba, Romania, Argentina, Poland, Qatar, Germany, the United States, Spain, Belarus, Burundi, Brazil, the Syrian Arab Republic, Albania, Japan, Switzerland, Iceland (on behalf of the Nordic and Baltic countries, composed of Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden), Eritrea, Chile, Greece, Peru, Egypt, Liechtenstein, Georgia, China, the European Union, Mexico, the Netherlands, Angola, the Islamic Republic of Iran, Portugal, Guatemala, Ireland, Libya, Viet Nam, Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland, Canada, Azerbaijan, Bahrain, the Russian Federation, India, Algeria, the Democratic People's Republic of Korea, the United Arab Emirates, the Comoros, Ukraine, the Plurinational State of Bolivia, Pakistan, Nicaragua, Nigeria, Afghanistan, Indonesia, Myanmar and the Bolivarian Republic of Venezuela, as well as by the observer of the State of Palestine.

24. At the 19th meeting, on 16 October, the Director of the New York Office of the Office of the High Commissioner for Human Rights made an introductory statement and responded to questions posed and comments made by the representatives of Azerbaijan, the Syrian Arab Republic, the Democratic People's Republic of Korea and the Islamic Republic of Iran.

25. At its 30th meeting, on 23 October, the Committee heard an introductory statement by the Special Rapporteur on the situation of human rights in Myanmar, who responded to questions posed and comments made by the representatives of the Bolivarian Republic of Venezuela (on behalf of the Non-Aligned Movement), Myanmar, Switzerland, the United Kingdom, Bangladesh, the United States, Ireland, Canada, Czechia, Germany, Australia, Malaysia, Viet Nam, China, the European Union, Norway, Burundi, Japan, the Democratic People's Republic of Korea, the Lao People's Democratic Republic, the Republic of Korea and Cuba.

26. At the same meeting, the Chair of the independent international fact-finding mission on Myanmar made an introductory statement and responded to questions posed and comments made by the representatives of Myanmar, France, Iceland, Australia, Liechtenstein, Japan, the Netherlands, Bangladesh, Germany, the European Union, the United States, the United Kingdom, Czechia, Singapore, Indonesia, Thailand, Saudi Arabia, the Philippines and the Russian Federation.

27. Also at the same meeting, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made an introductory statement

and responded to questions posed and comments made by the representatives of China, the Russian Federation, the Syrian Arab Republic, Argentina, Cuba, the European Union, Japan, Australia, Norway, Germany, the United States, the Republic of Korea, Belarus, Czechia, Burundi, Myanmar, the Lao People's Democratic Republic, the United Kingdom and the Islamic Republic of Iran.

28. At its 31st meeting, on 24 October, the Committee heard an introductory statement by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, who responded to questions posed and comments made by the representatives of Turkey, the Bolivarian Republic of Venezuela (on behalf of the Non-Aligned Movement), the Russian Federation, Norway, South Africa, Cuba, Nicaragua, the Democratic People's Republic of Korea, the Islamic Republic of Iran, Egypt, Brazil, the Syrian Arab Republic, China, the European Union, Senegal and Indonesia, as well as by the observer of the State of Palestine.

29. At the same meeting, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran made an introductory statement and responded to questions posed and comments made by the representatives of the Islamic Republic of Iran, the Bolivarian Republic of Venezuela, Cuba, the European Union, Norway, Canada, the United States, Germany, Belarus, Czechia, the Syrian Arab Republic, Switzerland, Burundi, the United Kingdom, Pakistan, Japan, China, the Democratic People's Republic of Korea and the Russian Federation.

30. Also at the same meeting, the Special Rapporteur on the situation of human rights in Eritrea made an introductory statement and responded to questions posed and comments made by the representatives of Germany, Eritrea, the Comoros (on behalf of the Group of African States), the European Union, Greece, the United States, Czechia, Burundi, the United Kingdom, the Russian Federation, Cuba, China, the Islamic Republic of Iran, Switzerland and Ethiopia.

31. At its 32nd meeting, on 24 October, the Committee heard an introductory statement by the Special Rapporteur on the situation of human rights in Belarus, who responded to questions posed and comments made by the representatives of Belarus, the European Union, Czechia, Germany, the Syrian Arab Republic, Lithuania, Poland, the United Kingdom, Norway and the United States.

32. At the same meeting, the Independent Expert on the situation of human rights in Somalia made an introductory statement and responded to questions posed and comments made by the representatives of Somalia, the European Union, Djibouti, the United Kingdom and the United States.

33. Also at the same meeting, the Chair of the Commission of Inquiry on Burundi made an introductory statement and responded to questions posed and comments made by the representatives of Burundi, Spain, the European Union, Pakistan, the Bolivarian Republic of Venezuela (on behalf of the Non-Aligned Movement), the Comoros (on behalf of the Group of African States), China, Italy, Belgium, the United Kingdom, Slovenia, Morocco, the Netherlands, India, Germany, Luxembourg, the United States, Myanmar, France, Belarus, Czechia, Norway, the Russian Federation, the Islamic Republic of Iran, Cuba and the Democratic People's Republic of Korea.

34. Also at the 32nd meeting, the Secretary made a statement in response to the statement made by the representative of Burundi.

# II. Consideration of proposals

## A. Draft resolution A/C.3/73/L.40 and amendment thereto contained in document A/C.3/73/L.64

35. At its 48th meeting, on 15 November, the Committee had before it a draft resolution entitled "Situation of human rights in the Democratic People's Republic of Korea" (A/C.3/73/L.40), submitted by Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Montenegro, the Netherlands, Palau, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Andorra, Argentina, Benin, Bosnia and Herzegovina, Georgia, Honduras, Maldives, Mexico, Micronesia (Federated States of), Monaco, New Zealand, Norway, San Marino, Serbia, Tuvalu and the United States of America joined in sponsoring the draft resolution.

36. At the same meeting, the representative of Austria made a statement on behalf of the European Union.

37. Also at the same meeting, the representatives of the Democratic People's Republic of Korea, the Syrian Arab Republic, Japan, Canada, Burundi, Belarus, Singapore, the Islamic Republic of Iran and the Russian Federation made statements.

38. At its 49th meeting, on 15 November, the Committee continued its consideration of the draft resolution.

39. At the same meeting, statements were made by the representatives of Myanmar, China, the Plurinational State of Bolivia and the Bolivarian Republic of Venezuela.

40. Also at the same meeting, the Chair drew the attention of the Committee to the amendment to draft resolution A/C.3/73/L.40, contained in document A/C.3/73/L.64, submitted by the Sudan. Subsequently, the Syrian Arab Republic joined in sponsoring the amendment.

41. Also at the 49th meeting, the representative of the Sudan made a statement.

42. At the same meeting, the Committee rejected the amendment contained in document A/C.3/73/L.64 by a recorded vote of 91 to 22, with 44 abstentions. The voting was as follows:

*In favour*:

Bahrain, Belarus, Burundi, Cameroon, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Iran (Islamic Republic of), Iraq, Oman, Pakistan, Russian Federation, Sao Tome and Principe, Saudi Arabia, South Sudan, Sudan, Syrian Arab Republic, Togo, Yemen, Zimbabwe.

*Against*:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand,

Nigeria, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu.

*Abstaining*:

Algeria, Angola, Bhutan, Brunei Darussalam, Cambodia, Congo, Democratic Republic of the Congo, Ethiopia, Fiji, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Israel, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Malaysia, Maldives, Mauritania, Mauritius, Morocco, Namibia, Nepal, Papua New Guinea, Paraguay, Qatar, Rwanda, Sierra Leone, Singapore, Sri Lanka, Suriname, Thailand, Turkey, United Arab Emirates, United States of America, Viet Nam, Zambia.

43. Before the vote, statements in explanation of vote were made by the representatives of Austria (on behalf of the European Union) and Liechtenstein (also on behalf of Australia, Canada, Iceland, New Zealand and Switzerland); after the vote, the representative of Japan made a statement in explanation of vote.

44. Also at the same meeting, the representative of the Sudan made a statement.

45. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/73/L.40 (see para. 88, draft resolution I).

46. After the adoption of the draft resolution, statements were made by the representatives of Cuba, Viet Nam and the United States.

## B. Draft resolution A/C.3/73/L.42

47. At its 49th meeting, on 15 November, the Committee had before it a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/73/L.42), submitted by Australia, Austria, Belgium, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, the Marshall Islands, Monaco, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tuvalu, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Albania, Andorra, Bulgaria, Cyprus, Liechtenstein, Micronesia (Federated States of), Palau, Romania and San Marino joined in sponsoring the draft resolution.

48. At the same meeting, the representative of Canada made a statement and orally revised operative paragraph 17 of the draft resolution.[7]

49. Also at the same meeting, statements were made by the representatives of the Islamic Republic of Iran and the Syrian Arab Republic.

50. Also at its 49th meeting, the Committee adopted draft resolution A/C.3/73/L.42, as orally revised, by a recorded vote of 85 to 30, with 68 abstentions (see para. 88, draft resolution II). The voting was as follows:

*In favour*:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominica, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece,

[7] See A/C.3/73/SR.49.

Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Seychelles, Slovakia, Slovenia, Solomon Islands, South Sudan, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu, Yemen.

*Against*:

Afghanistan, Armenia, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, Burundi, Cambodia, China, Cuba, Democratic People's Republic of Korea, Eritrea, India, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kyrgyzstan, Lebanon, Nicaragua, Oman, Pakistan, Russian Federation, Serbia, South Africa, Syrian Arab Republic, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

*Abstaining*:

Algeria, Angola, Antigua and Barbuda, Bangladesh, Benin, Bhutan, Brazil, Cabo Verde, Cameroon, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Niger, Nigeria, Papua New Guinea, Philippines, Qatar, Rwanda, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Uruguay, Zambia.

51. Before the vote, statements were made by the representatives of the Russian Federation and the Bolivarian Republic of Venezuela, and statements in explanation of vote were made by the representatives of the Democratic People's Republic of Korea, Pakistan, Brazil, Saudi Arabia, Belarus, Mexico and Cuba. After the vote, a statement was made by the representative of Japan. The representatives of the Islamic Republic of Iran and Nigeria also made statements.

## C. Draft resolution A/C.3/72/L.48

52. At its 49th meeting, on 15 November, the Committee had before it a draft resolution entitled "Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine" (A/C.3/73/L.48), submitted by Australia, Austria, Belgium, Bulgaria, Canada, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Marshall Islands, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Albania, Croatia, Italy, Japan, Micronesia (Federated States of), Montenegro and Romania joined in sponsoring the draft resolution.

53. At the same meeting, the Committee also had before it a statement of the programme budget implications of the draft resolution, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/73/L.66).

54. Also at the same meeting, the representative of Ukraine made a statement.

55. Also at the 49th meeting, statements were made by the representatives of the Syrian Arab Republic, the United States, Denmark, Georgia and the Russian Federation.

56. At the same meeting, the Committee adopted draft resolution A/C.3/73/L.48 by a recorded vote of 67 to 26, with 82 abstentions (see para. 88, draft resolution III). The voting was as follows:

*In favour*:

Albania, Andorra, Australia, Austria, Barbados, Belgium, Belize, Bhutan, Botswana, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Djibouti, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu, Yemen.

*Against*:

Armenia, Belarus, Bolivia (Plurinational State of), Burundi, Cambodia, China, Cuba, Democratic People's Republic of Korea, Eritrea, India, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Myanmar, Nicaragua, Russian Federation, Serbia, South Africa, South Sudan, Sudan, Syrian Arab Republic, Tajikistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Zimbabwe.

*Abstaining*:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Cabo Verde, Cameroon, Chad, Chile, Colombia, Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Mozambique, Namibia, Nauru, Nepal, Niger, Nigeria, Oman, Pakistan, Palau, Papua New Guinea, Paraguay, Peru, Philippines, Republic of Korea, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Seychelles, Sierra Leone, Singapore, Sri Lanka, Suriname, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Zambia.

57. Before the vote, a statement was made by the representative of Azerbaijan, and statements in explanation of vote were made by the representatives of the Democratic People's Republic of Korea, the Bolivarian Republic of Venezuela, Belarus and the Islamic Republic of Iran. After the vote, statements in explanation of vote were made by the representatives of Singapore, Argentina, Switzerland, Hungary and Burundi.

58. At the same meeting, a statement was made by the representative of Ukraine.

## D. Draft resolution A/C.3/73/L.50

59. At its 49th and 50th meetings, on 15 and 16 November, the Committee had before it a draft resolution entitled "Situation of human rights in the Syrian Arab Republic" (A/C.3/73/L.50), submitted by Saudi Arabia. Subsequently, Albania, Andorra, Australia, Austria, Bahrain, Belgium, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Micronesia (Federated States of), Monaco, Morocco, the Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, the Republic of Korea, Romania, San Marino, Sao Tome and Principe, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yemen joined in sponsoring the draft resolution.

60. At the 49th meeting, on 15 November, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution.

61. At the same meeting, the representative of the Saudi Arabia made a statement.

62. Also at the same meeting, the representative of the Syrian Arab Republic made a statement.

63. Also at the 49th meeting, the representative of the Islamic Republic of Iran made a statement and moved under rule 121 of the rules of procedure of the General Assembly to put to a vote the competency of the Committee to adopt operative paragraph 31 of draft resolution A/C.3/73/L.50.

64. At the same meeting, the representatives of Liechtenstein, the Syrian Arab Republic, Saudi Arabia, Guatemala and the United States made statements.

65. Also at the same meeting, the Secretary of the Committee made a clarification regarding rule 121.

66. Also at its 49th meeting, the Committee decided that it was competent to adopt operative paragraph 31 of draft resolution A/C.3/73/L.50 by a recorded vote of 88 to 13, with 48 abstentions. The voting was as follows:

*In favour*:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahrain, Belgium, Belize, Botswana, Brazil, Bulgaria, Canada, Central African Republic, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Ecuador, El Salvador, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

*Against*:

Algeria, Belarus, Bolivia (Plurinational State of), Burundi, China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Nicaragua, Russian Federation, Suriname, Syrian Arab Republic, Venezuela (Bolivarian Republic of).

*Abstaining*:

Angola, Bahamas, Bangladesh, Barbados, Benin, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Cameroon, Chad, Dominican Republic, Egypt, Ethiopia, Fiji, Ghana, Guinea, India, Indonesia, Iraq, Jamaica, Kenya, Kiribati, Kyrgyzstan, Lebanon, Lesotho, Madagascar, Mali, Mauritania, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Rwanda, Sierra Leone, Singapore, South Africa, South Sudan, Sri Lanka, Tuvalu, Uganda, Viet Nam.

67. At the same meeting, the Committee proceeded to take action on draft resolution A/C.3/73/L.50 as a whole.

68. Also at the same meeting, a statement before the vote was made by the Russian Federation.

69. Also at the 49th meeting, the representative of Saudi Arabia made a statement on a point of order, to which the Chair responded.

70. At its 50th meeting, on 16 November, the Committee continued its consideration of draft resolution A/C.3/73/L.50 and, before the vote, continued to hear statements in explanation of vote by the representatives of the United Kingdom, Canada, the Bolivarian Republic of Venezuela, the United States and Turkey.

71. At the same meeting, the representative of the Syrian Arab Republic made a statement on a point of order.

72. Also at the same meeting, the representatives of Saudi Arabia and the Russian Federation made statements on a point of order.

73. Also at the 50th meeting, a statement was made by the Chair in response to the statements by the representatives of the Syrian Arab Republic, Saudi Arabia and the Russian Federation.

74. At the same meeting, the representative of Saudi Arabia made a statement relating to a point of order.

75. Also at the same meeting, the representative of the Syrian Arab Republic made a statement.

76. Also at its 50th meeting, the Committee adopted draft resolution A/C.3/73/L.50, by a recorded vote of 106 to 16, with 58 abstentions (see para. 88, draft resolution IV). The voting was as follows:

*In favour*:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Cabo Verde, Cameroon, Canada, Central African Republic, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Ecuador, El Salvador, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, Somalia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Tuvalu, Ukraine, United Arab Emirates,

United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Yemen.

*Against*:

Algeria, Belarus, Bolivia (Plurinational State of), Burundi, China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Mauritania, Nicaragua, Philippines, Russian Federation, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Zimbabwe.

*Abstaining*:

Afghanistan, Angola, Antigua and Barbuda, Armenia, Bangladesh, Bhutan, Bosnia and Herzegovina, Brunei Darussalam, Chad, Dominican Republic, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Madagascar, Mali, Mauritius, Mongolia, Mozambique, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Paraguay, Rwanda, Saint Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, South Sudan, Sudan, Suriname, Tajikistan, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Viet Nam, Zambia.

77. Before the vote, statements in explanation of vote were made by the representatives of the Islamic Republic of Iran, Belarus, Brazil, Mexico, the Democratic People's Republic of Korea and Cuba. After the vote, statements in explanation of vote were made by the representatives of Argentina, Switzerland, Egypt and Ecuador. Also, statements after the vote were made by Austria (on behalf of the European Union; the candidate countries Turkey, the former Yugoslav Republic of Macedonia, Montenegro and Albania; as well as Ukraine and Georgia), Japan and the Syrian Arab Republic; a statement was also made by the representative of Saudi Arabia.

78. At the same meeting, the representative of the Islamic Republic of Iran made a statement on a point of order, to which the Chair and the Secretary of the Committee responded.

79. Also at the same meeting, the representatives of the Syrian Arab Republic and Saudi Arabia made statements on a point of order.

## E. Draft resolution A/C.3/73/L.51

80. At its 50th meeting, on 16 November, the Committee had before it a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/73/L.51), submitted by Austria, Bangladesh (on behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation), Belgium, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Andorra, Argentina, Australia, Bosnia and Herzegovina, the Central African Republic, Iceland, Liechtenstein, the Marshall Islands, Mexico, Monaco, Montenegro, New Zealand, Norway, the Republic of Korea, San Marino, Switzerland, the former Yugoslav Republic of Macedonia and Ukraine joined in sponsoring the draft resolution.

81. At the same meeting, the Committee also had before it a statement of the programme budget implications of the draft resolution, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/73/L.58).

82. Also at the same meeting, the representative of Turkey made a statement on behalf of the Organization of Islamic Cooperation.

83. Also at the 50th meeting, the representative of Austria, on behalf of the European Union, made a statement

84. At the same meeting, the representatives of Myanmar, the Syrian Arab Republic, Saudi Arabia and Bangladesh made statements.

85. Also at the same meeting, the representative of Myanmar made a statement on a point of order.

86. Also at its 50th meeting, the Committee adopted draft resolution A/C.3/73/L.51 by a recorded vote of 142 to 10, with 26 abstentions (see para. 88, draft resolution V). The voting was as follows:

*In favour*:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cabo Verde, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, Somalia, South Sudan, Spain, Sudan, Suriname, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Yemen, Zambia.

*Against*:

Belarus, Burundi, Cambodia, China, Lao People's Democratic Republic, Myanmar, Philippines, Russian Federation, Viet Nam, Zimbabwe.

*Abstaining*:

Bhutan, Cameroon, Congo, Democratic People's Republic of Korea, Dominican Republic, Equatorial Guinea, Ethiopia, Guinea-Bissau, India, Japan, Kenya, Lesotho, Mongolia, Namibia, Nepal, Saint Vincent and the Grenadines, Serbia, Sierra Leone, Singapore, South Africa, Sri Lanka, Thailand, Timor-Leste, Tonga, Uganda, Venezuela (Bolivarian Republic of).

87. Before the vote, statements in explanation of vote were made by the representatives of Belarus, China and the Russian Federation, and a statement was made by the representative of the United States. After the vote, statements in explanation of vote were made by the representatives of Nepal, Viet Nam, Thailand, Singapore, Japan and the Lao People's Democratic Republic; statements were also made by the representatives of the Islamic Republic of Iran, Nigeria, Egypt, Indonesia, Liechtenstein (also on behalf of Iceland), Canada and Myanmar.

# III. Recommendations of the Third Committee

88. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

## Draft resolution I
## Situation of human rights in the Democratic People's Republic of Korea

*The General Assembly*,

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

*Recalling* all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea, including Assembly resolution 72/188 of 19 December 2017 and Council resolution 37/28 of 23 March 2018,[1] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

*Deeply concerned* at the grave human rights situation, the pervasive culture of impunity and the lack of accountability for human rights violations in the Democratic People's Republic of Korea,

*Stressing* the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[2] and expressing grave concern at the detailed findings contained therein,

*Welcoming* the decision of the Security Council to add the situation in the Democratic People's Republic of Korea to the list of issues of which the Council is seized and the holding of an open meeting of the Council on 11 December 2017, subsequent to the ones held in 2014, 2015 and 2016, during which the situation of human rights in the Democratic People's Republic of Korea was discussed,

*Recalling* the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and recalling also that the commission of inquiry urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice,

*Taking note* of the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea,[3] regretting that he still has not been allowed to visit the country and that he has received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea[4] submitted in accordance with resolution 72/188,

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[1] See *Official Records of the General Assembly, Seventy-third Session, Supplement No. 53* (A/73/53), chap. IV, sect. A.

[2] A/HRC/25/63.

[3] A/73/386.

[4] A/73/308.

*Mindful* that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[5] the International Covenant on Economic, Social and Cultural Rights,[5] the Convention on the Rights of the Child,[6] the Convention on the Elimination of All Forms of Discrimination against Women[7] and the Convention on the Rights of Persons with Disabilities,[8] and recalling the concluding observations of the treaty bodies under the treaties and the importance of giving them consideration,

*Recalling* the submission, in April 2016, by the Democratic People's Republic of Korea of its combined second, third and fourth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women[9] and of its combined fifth and sixth periodic reports on the implementation of the Convention on the Rights of the Child[10] and the subsequent reviews in 2017 by the relevant committees, and urging full implementation of these Conventions, including the recommendations contained in the concluding observations from the aforementioned reviews,

*Noting* the visit of the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities to the Democratic People's Republic of Korea in 2017, encouraging the Democratic People's Republic of Korea to implement all of the recommendations contained in the report of the Special Rapporteur on her visit to the Democratic People's Republic of Korea submitted to the Human Rights Council at its thirty-seventh session,[11] and noting the participation of the Democratic People's Republic of Korea in the Paralympic Winter Games held in Pyeongchang, Republic of Korea,

*Stressing* the importance of extending its cooperation also to other United Nations special procedures and human rights mechanisms, including the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with their terms of reference,

*Acknowledging* the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review[12] and its stated commitment to implement them and look into the possibility of implementing a further 58 recommendations, while expressing its concern that the recommendations have not been implemented thus far,

*Noting* the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country,

*Noting also* the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund to improve the nutritional status of children and the quality of children's education,

*Noting further* the activities undertaken by the United Nations Development Programme, on a modest scale, in the Democratic People's Republic of Korea, and encouraging the engagement of the Government of the Democratic People's Republic

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[5] See resolution 2200 A (XXI), annex.
[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[7] Ibid., vol. 1249, No. 20378.
[8] Ibid., vol. 2515, No. 44910.
[9] CEDAW/C/PRK/2-4.
[10] CRC/C/PRK/5.
[11] A/HRC/37/56/Add.1.
[12] A/HRC/27/10.

of Korea with the international community to ensure that the programmes benefit the persons in need of assistance,

*Noting* the cooperation between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations on food security assessments, underscoring the importance of those assessments in analysing changes in the national, household and individual food security and nutritional situation and thereby in supporting donor confidence in the targeting of aid programmes, noting also the letter of understanding signed by the Government and the World Food Programme and the importance of further improvements in operating conditions, bringing access and monitoring arrangements closer to international standards for all United Nations entities, and noting with appreciation the work of international aid operators,

*Taking note* of the United Nations humanitarian report entitled "Democratic People's Republic of Korea 2018: needs and priorities" and its call to address the critical humanitarian needs in the Democratic People's Republic of Korea,

*Taking note also* of the strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017–2021 and the Government's commitment in accordance with the principles, goals and targets of the Sustainable Development Goals[13] and in line with its commitments to international agreements and conventions,

*Noting with concern* the findings of the United Nations that over 10 million people in the Democratic People's Republic of Korea are estimated to be undernourished and that most children under 24 months of age and 50 per cent of pregnant and breastfeeding women have insufficient dietary diversity, leading to micronutrient deficiencies and an unacceptably high prevalence of chronic and acute malnutrition, condemning the Democratic People's Republic of Korea for diverting its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people, and emphasizing the necessity for the Democratic People's Republic of Korea to respect and ensure the welfare and inherent dignity of the people in the country, as referred to by the Security Council in its resolutions 2321 (2016) of 30 November 2016, 2371 (2017) of 5 August 2017, 2375 (2017) of 11 September 2017 and 2397 (2017) of 22 December 2017,

*Noting* the urgency and importance of the issue of international abductions and of the immediate return of all abductees, as well as the long years of suffering experienced by abductees and their families, expressing grave concern at the lack of positive action by the Democratic People's Republic of Korea since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014, and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

*Noting also* the urgency and importance of the issue of separated families, and in this regard welcoming the resumption of the reunions of separated families across the border in August 2018 and the commitments made on this issue at the inter-Korean Summit held on 19 September 2018 to strengthen humanitarian cooperation to fundamentally resolve the issue of separated families,

*Welcoming and further encouraging* the efforts of Member States to raise international awareness about the human rights situation in the Democratic People's

[13] See resolution 70/1.

Republic of Korea, and noting that human rights, including gender equality, are intrinsically linked to peace and security,

*Welcoming* the ongoing diplomatic efforts, and noting the importance of dialogue and engagements for the improvement of the human rights and humanitarian situation in the country,

*Underlining* the efforts of the Secretary-General to contribute to improving inter-Korean relations and promoting reconciliation and stability on the Korean Peninsula and the well-being of the Korean people,

1. *Condemns* the long-standing and ongoing systematic, widespread and gross violations of human rights in and by the Democratic People's Republic of Korea, including those which the commission of inquiry on human rights in the Democratic People's Republic of Korea, established by the Human Rights Council in its resolution 22/13 of 21 March 2013,[14] has said may amount to crimes against humanity, and the continuing impunity for such violations;

2. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of violations of human rights, including the detailed findings made by the commission of inquiry in its report,[2] such as:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention; rape; public executions; extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; extrajudicial, summary and arbitrary executions; the imposition of the death penalty for political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour;

(ii) The existence of an extensive system of political prison camps, where a vast number of persons are deprived of their liberty and subjected to deplorable conditions, including forced labour, and where alarming violations of human rights are perpetrated;

(iii) The forcible transfer of populations and the limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea and retaliations against citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, other cruel, inhuman or degrading treatment, sexual violence or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[15] and the 1967 Protocol thereto[16] in relation

[14] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

[15] United Nations, *Treaty Series*, vol. 189, No. 2545.

[16] Ibid., vol. 606, No. 8791.

to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(v) All-pervasive and severe restrictions, both online and offline, on the freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the unlawful and arbitrary surveillance, persecution, torture, imprisonment and, in some instances, summary executions of individuals exercising their freedom of opinion and expression, religion or belief, and their families, and the right of everyone, including women, to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) Violations of economic, social and cultural rights, which have led to food insecurity, severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for women, children, persons with disabilities, older persons and political prisoners;

(vii) Violations of the human rights and fundamental freedoms of women and girls, in particular the creation of internal conditions that force women and girls to leave the country and make them extremely vulnerable to trafficking in persons for the purpose of prostitution, domestic servitude or forced marriage and the subjection of women and girls to gender-based discrimination, including in the political and social spheres, forced abortions and other forms of sexual and gender-based violence;

(viii) Violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Violations of the human rights and fundamental freedoms of persons with disabilities, especially violations involving the use of collective camps and coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and allegations of the possible use of persons with disabilities in medical testing, forced relocation to rural areas and separation of children with disabilities from their parents;

(x) Violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[5] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child,[6] as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour, recalling paragraph 11 of Security Council resolution 2371 (2017) and paragraph 17 of resolution 2375 (2017), in which the Council decided that Member States shall not provide work authorizations for nationals of the Democratic People's Republic of Korea in their jurisdictions, and also recalling paragraph 8 of Council resolution 2397 (2017), in which the Council decided that Member States shall repatriate to the Democratic People's Republic of Korea all nationals from the Democratic People's Republic of Korea earning

income in that Member State's jurisdiction and all government safety oversight attachés of the Democratic People's Republic of Korea monitoring workers from the Democratic People's Republic of Korea abroad immediately, but not later than 24 months from 22 December 2017, unless the Member State determines that a Democratic People's Republic of Korea national is a national of that Member State or a Democratic People's Republic of Korea national's repatriation is prohibited, subject to applicable national and international law, including international refugee law and international human rights law, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[17] and the Convention on the Privileges and Immunities of the United Nations,[18] and urges the Democratic People's Republic of Korea to promote, respect and protect the human rights of workers, including workers repatriated to the Democratic People's Republic of Korea;

(xi) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth and also includes consideration of political opinions and religion;

(xii) Violence and discrimination against women, including unequal access to employment, discriminatory laws and regulations;

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to extend an invitation to the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to the Special Rapporteur and several other United Nations special procedures in accordance with their terms of reference, as well as to other United Nations human rights mechanisms;

(c) The continued lack of acknowledgement by the Government of the Democratic People's Republic of Korea of the grave human rights situation in the country and its consequential lack of action to report on the state of implementation of the recommendations contained in the outcome of its first universal periodic review[19] and to give consideration to the concluding observations of the treaty bodies;

3. *Condemns* the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these issues of international concern, in a transparent manner, including by ensuring the immediate return of abductees;

4. *Underscores its very serious concern* regarding reports of torture, summary executions, arbitrary detention, abductions and other forms of human rights violations and abuses that the Democratic People's Republic of Korea commits against citizens of other countries within and outside of its territory;

5. *Expresses its very deep concern* at the precarious humanitarian situation in the country, which could rapidly deteriorate owing to limited resilience to natural disasters and to government policies causing limitations in the availability of and access to adequate food, compounded by structural weaknesses in agricultural production resulting in significant shortages of diversified food and the State restrictions on the cultivation of and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups,

[17] See resolution 169 (II).
[18] Resolution 22 A (I).
[19] A/HRC/13/13.

pregnant and lactating women, children, persons with disabilities, older persons and political prisoners, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

6. *Welcomes* the latest reports to the Human Rights Council of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea;[20]

7. *Reiterates its appreciation* for the report of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea[21] established pursuant to Council resolution 31/18 of 23 March 2016,[22] including options to seek accountability and secure truth and justice for all victims;

8. *Welcomes* steps taken pursuant to Human Rights Council resolution 34/24 of 24 March 2017[23] to strengthen the capacity of the Office of the United Nations High Commissioner for Human Rights, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability aimed at strengthening current monitoring and documentation efforts, establishing a central repository for information and evidence and having experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process, and strongly encourages the Office of the United Nations High Commissioner for Human Rights to expedite the process for strengthening the capacity of the Office;

9. *Reiterates its appreciation* for the work of the commission of inquiry, recognizes the continuing importance of its report, and regrets that the commission received no cooperation from the authorities of the Democratic People's Republic of Korea, including with regard to access to the country;

10. *Acknowledges* the commission's finding that the body of testimony gathered and the information received provide reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership;

11. *Expresses its concern* at the failure of the authorities of the Democratic People's Republic of Korea to prosecute those responsible for human rights violations, including violations which the commission of inquiry has said may amount to crimes against humanity, and encourages the international community to cooperate with accountability efforts and to ensure that such crimes do not remain unpunished;

12. *Encourages* the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for

[20] A/HRC/34/66.

[21] A/HRC/34/66/Add.1.

[22] *See Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

[23] *See Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect. A.

human rights violations that the commission has said may constitute crimes against humanity;

13. *Also encourages* the Security Council to continue to discuss the situation in the Democratic People's Republic of Korea, including the country's human rights situation, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter;

14. *Encourages* the continuing endeavours of the Office of the United Nations High Commissioner for Human Rights field-based structure in Seoul, and welcomes its regular reporting to the Human Rights Council;

15. *Calls upon* Member States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, has sufficient resources and support to fulfil its mandate, enjoys full cooperation with relevant Member States and is not subjected to any reprisals or threats;

16. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Council in the context of the universal periodic review and by the commission of inquiry, the United Nations special procedures and treaty bodies;

(b) To immediately close the political prison camps and to release all political prisoners unconditionally and without any delay;

(c) To protect its inhabitants, address the issue of impunity and ensure that those responsible for crimes involving violations of human rights are brought to justice before an independent judiciary;

(d) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees through migrant smuggling, trafficking in human beings and extortion, while not criminalizing refugees and the victims of trafficking;

(e) To ensure that everyone within the territory of the Democratic People's Republic of Korea enjoys the right to liberty of movement and is free to leave the country, including for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea;

(f) To ensure that citizens of the Democratic People's Republic of Korea who are expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of punishment, and to provide information on their status and treatment;

(g) To provide citizens of other countries detained in the Democratic People's Republic of Korea with protections, including freedom of communication with, and access to, consular officers in accordance with the Vienna Convention on Consular Relations,[24] to which the Democratic People's Republic of Korea is a party, and any other necessary arrangements to confirm their status and to communicate with their families;

(h) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of

[24] United Nations, *Treaty Series*, vol. 596, No. 8638.

Korea, and to other special procedures of the Human Rights Council as well as to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(i) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country;

(j) To implement the accepted recommendations stemming from the universal periodic review and to consider positively those recommendations which are still under consideration, and to submit a report to the Human Rights Council for consideration during the third review cycle;

(k) To become a member of the International Labour Organization, to enact legislation and adopt practices to comply with international labour standards and to consider ratifying all the relevant conventions, in particular the core labour conventions of the International Labour Organization;

(l) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(m) To ensure full, safe and unhindered access to humanitarian aid, as well as to critical data, and take measures to allow humanitarian agencies to secure the impartial delivery of such aid to all parts of the country, including detention facilities, on the basis of need in accordance with humanitarian principles, as it pledged to do, to ensure access to adequate food and implement more effective food security and nutrition policies, including through sustainable agriculture, sound food production and distribution measures and the allocation of more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(n) To further improve cooperation with the United Nations country team members and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including progress towards the achievement of the Sustainable Development Goals;[10]

(o) To consider ratifying and acceding to the remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies, to resume reporting to monitoring bodies on treaties to which it is a party, to participate meaningfully in treaty body reviews, and to give consideration to the concluding observations of such bodies in order to improve the human rights situation in the country;

17. *Urges* the Government of the Democratic People's Republic of Korea to implement the recommendations of the commission of inquiry without delay;

18. *Reiterates* the importance of maintaining high on the international agenda the grave human rights situation in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives, and requests the Office of the United Nations High Commissioner for Human Rights to strengthen those activities;

19. *Encourages* all Member States, the General Assembly, the Human Rights Council, the Office of the High Commissioner, the United Nations Secretariat, relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to implement or take forward those recommendations;

20. *Encourages* the United Nations system as a whole to continue to address the grave human rights situation in the Democratic People's Republic of Korea in a coordinated and unified manner;

21 *Encourages* the relevant United Nations programmes, funds, specialized agencies and other related organizations to assist the Government of the Democratic People's Republic of Korea in the implementation of recommendations stemming from the universal periodic review and from the report of the commission of inquiry;

22. *Calls upon* the Democratic People's Republic of Korea to engage constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through human rights dialogues, official visits to the country that include adequate access to fully assess human rights conditions, cooperation initiatives and more people-to-people contact as a matter of priority;

23. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its seventy-fourth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation of human rights in the Democratic People's Republic of Korea, and requests the Special Rapporteur to continue to report his findings and recommendations, as well as to report on the follow-up to the implementation of the recommendations of the commission of inquiry.

## Draft resolution II
## Situation of human rights in the Islamic Republic of Iran

*The General Assembly*,

*Guided* by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

*Recalling* its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 72/189 of 19 December 2017,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 72/189[3] and the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Islamic Republic of Iran,[4] submitted pursuant to Council resolution 37/30 of 23 March 2018;

2. *Recalls* the pledges made by the President of the Islamic Republic of Iran with regard to improving the human rights situation in the country;

3. *Welcomes* the amendments made to the Anti-Narcotics Law, passed in October 2017, which eliminated the mandatory imposition of the death penalty for certain drug-related offences and which have so far led to a significant drop in drug-related executions, while noting that many cases still have yet to be reviewed in accordance with those amendments, and encourages those within the judiciary who are responsible for applying the law to continue to convert drug-related death sentences to prison terms;

4. *Notes* the approval by the Parliament of the Islamic Republic of Iran of the Bill for Protection of the Rights of Children and Youth, in July 2018, which, if adopted and implemented, would mark an important step forward in protecting individuals from violence and abuse;

5. *Recalls* the commitments made by the Iranian authorities with regard to improving the situation of women, and notes in this regard the introduction of the Comprehensive Bill on Ensuring the Protection of Women against Violence;

6. *Welcomes* the engagement of the Islamic Republic of Iran with human rights treaty bodies, including through the submission of periodic reports, and notes in particular the engagement of the Government of the Islamic Republic of Iran with the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities and its participation in the universal periodic review;

7. *Also welcomes* the continuing efforts of the Islamic Republic of Iran to host large numbers of Afghan refugees and to grant them access to basic services, in particular access to health care and education for children;

8. *Further welcomes* the ongoing contact with and dialogue between the Islamic Republic of Iran and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the invitations extended to other special procedures mandate holders;

9. *Welcomes* the expressed readiness of the Iranian High Council for Human Rights and other Iranian officials to engage in bilateral dialogues on human rights;

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/73/299.
[4] A/73/398.

10. *Expresses serious concern*, notwithstanding the previously noted reduction so far in the number of executions for drug-related crimes, at the alarmingly high frequency of the imposition and carrying-out of the death penalty by the Islamic Republic of Iran, in violation of its international obligations, including the imposition of the death penalty against minors and persons who at the time of their offence were under the age of 18, in violation of the Convention on the Rights of the Child,[5] and executions undertaken against persons on the basis of forced confessions or for crimes that do not qualify as the most serious crimes, including crimes that are overly broad or vaguely defined, in violation of the International Covenant on Civil and Political Rights,[2] expresses concern at the continuing disregard for internationally recognized safeguards, including executions undertaken without notification of the prisoner's family members or legal counsel, and calls upon the Government of the Islamic Republic of Iran to abolish, in law and in practice, public executions, which are contrary to the 2008 directive seeking to end this practice issued by the former head of the judiciary;

11. *Calls upon* the Islamic Republic of Iran to ensure, in law and in practice, that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, which may include sexual violence, and punishments that are grossly disproportionate to the nature of the offence, in conformity with amendments to the Penal Code, the constitutional guarantees of the Islamic Republic of Iran and international obligations;

12. *Urges* the Islamic Republic of Iran to cease the widespread and systematic use of arbitrary detention, including the use of this practice to target dual and foreign nationals, to release those who have been arbitrarily detained and to uphold, in law and in practice, procedural guarantees to ensure fair trial standards, including timely access to legal representation of one's choice from the time of arrest through all stages of trial and all appeals, the right not to be subjected to torture, cruel and inhuman or degrading treatment or punishment and consideration of bail and other reasonable terms for release from custody pending trial;

13. *Calls upon* the Islamic Republic of Iran to release persons detained for the exercise of their human rights and fundamental freedoms, including those who have been detained solely for taking part in peaceful protests, to consider rescinding unduly harsh sentences, including those involving the death penalty and long-term internal exile, and to end reprisals against individuals, including for cooperating or attempting to cooperate with the United Nations human rights mechanisms;

14. *Also calls upon* the Islamic Republic of Iran to address the poor conditions of prisons, to end the practice of deliberately denying prisoners access to adequate medical treatment, which creates a consequent risk of death, and to put an end to the continued and sustained house arrest of leading opposition figures from the 2009 presidential elections despite serious concerns about their health, as well as the pressure exerted upon their relatives and dependants, including through arrest, and calls upon the Islamic Republic of Iran to establish credible and independent prison oversight authorities to investigate complaints of abuse;

15. *Further calls upon* the Islamic Republic of Iran, including the judicial and security branches, to create and maintain, in law and in practice, a safe and enabling environment in which an independent, diverse and pluralistic civil society can operate free from hindrance and insecurity, and urges the Islamic Republic of Iran to end widespread and serious restrictions, in law and in practice, on the right to freedom of expression and opinion, including in digital contexts, and the right to freedom of association and peaceful assembly, and to end its harassment, intimidation and

[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

persecution of political opponents, human rights defenders, women's and minority rights defenders, labour leaders, students' rights defenders, environmentalists, academics, film-makers, journalists, bloggers, social media users and social media page administrators, media workers, religious leaders, artists, lawyers and their families and persons belonging to recognized and unrecognized religious minorities and their families, wherever it may occur;

16. *Strongly urges* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls, including with respect to the right to freedom of movement, the right to enjoyment of the highest attainable standard of physical and mental health, the right to freedom of religion or belief and the right to work, to take measures to ensure protection for women and girls against violence and their equal protection and access to justice, to address the concerning incidence of child, early and forced marriage, as recommended by the Committee on the Rights of the Child, to promote, support and enable women's participation in political and other decision-making processes, and, while recognizing the high enrolment of women in all levels of education in the Islamic Republic of Iran, to lift restrictions on women's equal access to all aspects of education and women's equal participation in the labour market and in all aspects of economic, cultural, social and political life;

17. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to ethnic, linguistic, recognized or unrecognized religious minorities or other minorities, including but not limited to Arabs, including Ahwazi Arabs, Azeris, Balochis, Kurds and Turkmen, and their defenders;

18. *Expresses serious concern* about ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, restrictions on the establishment of places of worship, attacks against places of worship and burial and other human rights violations, including but not limited to harassment, intimidation, persecution, arbitrary arrests and detention, denial of access to education and incitement to hatred that leads to violence against persons belonging to recognized and unrecognized religious minorities, including Christians, Gonabadi Dervishes, Jews, Sufi Muslims, Sunni Muslims, Yarsanis, Zoroastrians and members of the Baha'i faith and their defenders in the Islamic Republic of Iran, and calls upon the Government of the Islamic Republic of Iran to release all religious practitioners imprisoned for their membership in or activities on behalf of a recognized or unrecognized minority religious group, including the remaining imprisoned member of the Baha'i leadership, whom the Working Group on Arbitrary Detention of the Human Rights Council has declared to have been arbitrarily detained since 2008;

19. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination on the basis of thought, conscience, religion or belief, including economic restrictions, such as the closure or confiscation of businesses and properties, the cancellation of licences and the denial of employment in certain public and private sectors, including government or military positions and elected office, and other human rights violations against persons belonging to recognized and unrecognized religious minorities, and to end impunity for those who commit crimes against persons belonging to recognized and unrecognized religious minorities;

20. *Also calls upon* the Islamic Republic of Iran to launch a comprehensive accountability process in response to all cases of serious human rights violations, including allegations of excessive use of force against peaceful protesters and cases of suspicious deaths in custody, as well as violations involving the Iranian judiciary and security agencies, and calls upon the Government of the Islamic Republic of Iran to end impunity for such violations;

21. *Further calls upon* the Islamic Republic of Iran to implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations that are imprecise or could be considered incompatible with the object and purpose of the treaty, to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

22. *Calls upon* the Islamic Republic of Iran to deepen its engagement with international human rights mechanisms by:

(a) Cooperating fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by accepting the repeated requests made by the Special Rapporteur to visit the country in order to carry out the mandate;

(b) Increasing cooperation with other special mechanisms, including by facilitating long-standing requests for access to the country from thematic special procedures mandate holders, whose access to its territory has been restricted or denied, despite the standing invitation issued by the Islamic Republic of Iran, without imposing undue conditions upon those visits;

(c) Continuing to enhance its cooperation with the treaty bodies, including by submitting overdue reports under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination[6] and the International Covenant on Economic, Social and Cultural Rights;[2]

(d) Implementing all accepted universal periodic review recommendations from its first cycle, in 2010, and its second cycle, in 2014, with the full and genuine participation of independent civil society and other stakeholders in the implementation process, and by engaging constructively in its upcoming third cycle in 2019;

(e) Building upon the engagement of the Islamic Republic of Iran with the universal periodic review process by continuing to explore cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

(f) Following through on its commitment to establish an independent national human rights institution, made in the context of both its first and its second universal periodic reviews by the Human Rights Council, with due regard for the recommendation of the Committee on Economic, Social and Cultural Rights;

23. *Calls upon* the Islamic Republic of Iran to continue to translate the pledges made by the President of the Islamic Republic of Iran with respect to human rights concerns into concrete action that results in demonstrable improvements as soon as possible and to ensure that its national laws are consistent with its obligations under international human rights law and that they are implemented in accordance with its international obligations;

24. *Also calls upon* the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations in law and in practice;

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[6] United Nations, *Treaty Series*, vol. 660, No. 9464.

25. *Strongly encourages* the relevant thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran;

26. *Requests* the Secretary-General to report to the General Assembly at its seventy-fourth session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its fortieth session;

27. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its seventy-fourth session under the item entitled "Promotion and protection of human rights".

## Draft resolution III
## Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine

*The General Assembly*,

*Guided* by the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights,[1] international human rights treaties and other relevant international instruments and declarations,

*Recalling* the Geneva Conventions of 12 August 1949[2] and Additional Protocol I thereto, of 1977,[3] as applicable, as well as relevant customary international law,

*Confirming* the primary responsibility of States to promote and protect human rights,

*Reaffirming* the responsibility of States to respect international law, including the principle that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State and from acting in any other manner inconsistent with the purposes of the United Nations, recalling its resolution 2625 (XXV) of 24 October 1970, in which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and reaffirming the principles contained therein,

*Recalling* its resolution 3314 (XXIX) of 14 December 1974,

*Recalling also* its resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine, in which it affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders and called upon all States, international organizations and specialized agencies not to recognize any alteration to the status of the Autonomous Republic of Crimea and the city of Sevastopol and to refrain from any action or dealing that might be interpreted as recognizing any such altered status,

*Recalling further* its resolutions 71/205 of 19 December 2016 and 72/190 of 19 December 2017 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, and relevant decisions of international organizations, specialized agencies and bodies within the United Nations system,

*Concerned* that the provisions of those resolutions and relevant decisions of international organizations, specialized agencies and bodies within the United Nations system have not been implemented by the Russian Federation,

*Condemning* the ongoing temporary occupation of part of the territory of Ukraine — the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter "Crimea") — by the Russian Federation, and reaffirming the non-recognition of its annexation,

*Affirming* that the seizure of Crimea by force is illegal and a violation of international law, and affirming also that those territories must be returned,

*Supporting* the commitment by Ukraine to adhering to international law in its efforts to put an end to the Russian occupation of Crimea, and welcoming the

[1] Resolution 217 A (III).

[2] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[3] Ibid., vol. 1125, No. 17512.

commitments by Ukraine to protecting the human rights and fundamental freedoms of all its citizens,

*Reaffirming* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law,

*Welcoming* the reports of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine, of the Commissioner for Human Rights of the Council of Europe, and of the human rights assessment mission of the Office for Democratic Institutions and Human Rights and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, in which they stated that violations and abuses of human rights continued to take place in Crimea and pointed to the sharp deterioration of the overall human rights situation,

*Welcoming also* the reports of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, submitted pursuant to resolutions 71/205[4] and 72/190,[5]

*Reaffirming its grave concern* that the human rights monitoring mission in Ukraine continues to be denied access to Crimea, despite its existing mandate, which covers the entire territory of Ukraine within its internationally recognized borders,

*Condemning* the imposition and retroactive application of the legal system of the Russian Federation, and its negative impact on the human rights situation in Crimea, the imposition of automatic Russian citizenship on protected persons in Crimea, which is contrary to international humanitarian law, including the Geneva Conventions and customary international law, and the deportation and regressive effects on the enjoyment of human rights of those who have rejected that citizenship,

*Gravely concerned* by consistent reports that the Russian law enforcement system uses involuntary placement in a psychiatric institution as a form of harassment against and punishment of political opponents and activists,

*Deeply concerned* that, since 2014, torture has reportedly been used by the Russian authorities to extract false confessions for politically motivated prosecutions, including in the case of Oleg Sentsov, a Ukrainian film-maker, and expressing deep concern about the ongoing arbitrary detentions and arrests by the Russian Federation of Ukrainian citizens, including Volodymyr Balukh and Emir-Usein Kuku, and in particular those on hunger strike,

*Condemning* the reported serious violations and abuses committed against residents of Crimea, in particular extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, including sexual violence, arbitrary detentions and arrests, torture and ill-treatment, in particular to extract confessions, and psychiatric internment, and their transfer or deportation from Crimea to the Russian Federation, as well as reported abuses of other fundamental freedoms, including the freedoms of expression, religion or belief and association and the right to peaceful assembly,

*Reaffirming its serious concern* at the decision of the so-called Supreme Court of Crimea of 26 April 2016 and the decision of the Supreme Court of the Russian Federation of 29 September 2016 to declare the Mejlis of the Crimean Tatar People,

[4] See A/72/498.
[5] See A/73/404.

the self-governing body of the Crimean Tatars, to be an extremist organization and to ban its activities,

*Condemning* the ongoing pressure exerted upon religious minority communities, including through frequent police raids, threats against and persecution of those belonging to the Ukrainian Orthodox Church of the Kyiv Patriarchate, the Protestant Church, mosques and Muslim religious schools, Greek Catholics, Roman Catholics and Jehovah's Witnesses, and condemning also the baseless prosecution of dozens of peaceful Muslims for allegedly belonging to Islamic organizations,

*Condemning also* the widespread misuse of counter-terrorism and anti-extremism laws to suppress dissent,

*Recalling* the order of the International Court of Justice of 19 April 2017 on provisional measures in the case concerning *the Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*,[6]

*Recalling also* the prohibition under the Geneva Conventions of 12 August 1949 for the occupying Power to compel protected persons to serve in its armed or auxiliary forces, including through pressure or propaganda that is aimed at securing voluntary enlistment,

*Underlining* the importance of the measures to develop transparent, accessible, non-discriminatory and expeditious procedures and regulations governing access to Crimea for human rights defenders, journalists, media workers and lawyers, as well as the possibility to appeal, in accordance with national legislation and in conformity with all applicable international law,

*Condemning* the blocking by the Russian Federation of Ukrainian websites and television channels and the seizure of Ukrainian transmission frequencies in Crimea,

*Welcoming* the support provided by Ukraine to media outlets and civil society organizations that have fled Crimea, which improves the ability of the media and civil society to work independently and without interference,

*Welcoming also* the continued efforts of the Secretary-General, the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe and other international and regional organizations to support Ukraine in promoting, protecting and ensuring human rights, and expressing further concern over the lack of safe and unfettered access by established regional and international human rights monitoring mechanisms and human rights non-governmental organizations to Crimea,

1. *Deplores* the failure of the Russian Federation to comply with the repeated requests and demands of the General Assembly, as well as with the order of the International Court of Justice of 19 April 2017 on provisional measures in the case concerning the *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*;[6]

2. *Strongly condemns* the continuing and total disregard by the Russian Federation for its obligations under the Charter of the United Nations and international law regarding its legal responsibility for the occupied territory, including the responsibility to respect Ukrainian law and the rights of all civilians;

[6] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 4* (A/72/4), chap. V, sect. A.

3. *Condemns* all attempts by the Russian Federation to legitimize or normalize its attempted annexation of Crimea, including the automatic imposition of Russian citizenship and illegal election campaigns;

4. *Also condemns* violations, abuses, measures and practices of discrimination against the residents of the temporarily occupied Crimea, including Crimean Tatars, as well as Ukrainians and persons belonging to other ethnic and religious groups, by the Russian occupation authorities;

5. *Further condemns* the unlawful imposition of laws, jurisdiction and administration in the occupied Crimea by the Russian Federation, and demands that the Russian Federation respect obligations under international law with regard to respecting the laws in force in Crimea prior to occupation;

6. *Urges* the Russian Federation:

(a) To uphold all of its obligations under applicable international law as an occupying Power;

(b) To fully and immediately comply with the order of the International Court of Justice of 19 April 2017;

(c) To take all measures necessary to bring an immediate end to all violations and abuses against residents of Crimea, in particular reported discriminatory measures and practices, arbitrary detentions and arrests, torture and other cruel, inhuman or degrading treatment, revoke all discriminatory legislation and hold accountable those responsible for those violations and abuses;

(d) To respect the laws in force in Ukraine, repeal laws imposed in Crimea by the Russian Federation that allow for forced evictions and the confiscation of private property in Crimea, in violation of applicable international law, and respect the property rights of all former owners affected by previous confiscations;

(e) To immediately release and allow the return to Ukraine, without preconditions, of Ukrainian citizens who were unlawfully detained and judged without regard for the requirements of international law, as well as those transferred or deported across internationally recognized borders from Crimea to the Russian Federation;

(f) To monitor and accommodate the medical needs of all Ukrainian citizens unlawfully detained for the exercise of their human rights and fundamental freedoms, including political prisoners, in Crimea and the Russian Federation and allow the monitoring of those detainees' state of health and conditions of detention by independent international monitors and physicians from reputable international health organizations, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the International Committee of the Red Cross;

(g) To uphold the rights, in accordance with international law and until their release, of Ukrainian prisoners and detainees in Crimea and in the Russian Federation, including those on hunger strike, and encourage it to respect the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);[7]

(h) To provide Ukrainian consular officials with information on Ukrainian citizens detained in the Russian Federation, ensure freedom of consular communication with, and consular access to, detained Ukrainian citizens, in

[7] Resolution 70/175, annex.

accordance with the Vienna Convention on Consular Relations,[8] to which the Russian Federation is a party, and allow Ukrainian officials, including the Ukrainian Parliament Commissioner for Human Rights, to visit all Ukrainian citizens, including political prisoners in Crimea and the Russian Federation;

(i) To address the issue of impunity and ensure that those found to be responsible for violations and abuses are held accountable before an independent judiciary;

(j) To create and maintain a safe and enabling environment for journalists and media workers, human rights defenders and defence lawyers to perform their work independently and without undue interference in Crimea;

(k) To restore enjoyment of the rights of all individuals, without any discrimination based on origin or religion or belief, revoke the decisions that banned cultural and religious institutions, non-governmental organizations, human rights organizations and media outlets and restore enjoyment of the rights of individuals belonging to ethnic communities in Crimea, in particular Ukrainians and Crimean Tatars, including that to engage in cultural gatherings;

(l) To ensure that the right to freedom of opinion and expression and the rights to peaceful assembly and freedom of association can be exercised by all Crimean residents in any form, including single-person pickets, without any restrictions other than those permissible under international law, including international human rights law, and without discrimination on any grounds;

(m) To refrain from criminalizing the right to freedom of opinion and expression and the right to peaceful assembly and quash all penalties imposed on Crimean residents for expressing dissenting views, including regarding the status of Crimea;

(n) To ensure the availability of education in the Ukrainian and Crimean Tatar languages;

(o) To revoke immediately the decision declaring the Mejlis of the Crimean Tatar People an extremist organization and banning its activities, repeal the decision banning leaders of the Mejlis from entering Crimea and refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions;

(p) To end the practice of compelling Crimean residents to serve in the armed or auxiliary forces of the Russian Federation, including through pressure or propaganda, and in particular ensure that Crimean residents are not compelled to participate in military operations of the Russian Federation;

(q) To end the practices of deporting Ukrainian citizens from Crimea for not taking Russian citizenship and of discriminating against Crimean residents for not possessing identity documents issued by the Russian Federation;

(r) To cooperate fully and immediately with the Office of the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe and the Council of Europe on the situation of human rights in Crimea;

7. *Calls upon* the Russian Federation to address the substantive concerns and all recommendations highlighted in the reports of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol,

[8] United Nations, *Treaty Series*, vol. 596, No. 8638.

Ukraine,[4,5] as well as previous relevant recommendations from 23 reports on the situation of human rights in Ukraine by the Office of the United Nations High Commissioner for Human Rights based on the work of the United Nations human rights monitoring mission in Ukraine established to prevent further deterioration of human rights in Crimea;

8. *Requests* the Secretary-General to continue to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to ensure safe and unfettered access to Crimea by established regional and international human rights monitoring mechanisms, in particular the human rights monitoring mission in Ukraine, to enable them to carry out their mandate;

9. *Urges* the Russian Federation to ensure the proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea, including all places where persons may be deprived of their liberty, recognizing that the international presence in Crimea is of paramount importance in preventing further deterioration of the situation;

10. *Supports* the efforts of Ukraine to maintain economic, financial, political, social, informational, cultural and other ties with its citizens in the occupied Crimea in order to facilitate their access to democratic processes, economic opportunities and objective information;

11. *Calls upon* all international organizations and specialized agencies of the United Nations system, when referring to Crimea in their official documents, communications and publications, including with regard to statistical data of the Russian Federation, to refer to "the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation", and encourages all States and other international organizations to do the same;

12. *Requests* the Secretary-General to take all steps necessary to ensure the full and effective coordination of all United Nations bodies with regard to the implementation of the present resolution;

13. *Also requests* the Secretary-General to continue to provide his good offices and pursue his discussions relating to Crimea, involving all relevant stakeholders and including the concerns addressed in the present resolution;

14. *Further requests* the Secretary-General to report to the General Assembly at its seventy-fourth session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation;

15. *Decides* to continue its consideration of the matter at its seventy-fourth session under the item entitled "Promotion and protection of human rights".

## Draft resolution IV
## Situation of human rights in the Syrian Arab Republic

*The General Assembly*,

*Guided* by the Charter of the United Nations,

*Reaffirming* the purposes and principles of the Charter, the Universal Declaration of Human Rights[1] and relevant international human rights treaties, including the International Covenants on Human Rights,[2]

*Reaffirming its strong commitment* to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

*Recalling* its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012, 66/253 B of 3 August 2012, 67/183 of 20 December 2012, 67/262 of 15 May 2013, 68/182 of 18 December 2013, 69/189 of 18 December 2014, 70/234 of 23 December 2015, 71/130 of 9 December 2016, 71/203 of 19 December 2016 and 71/248 of 21 December 2016 and Human Rights Council resolutions S-16/1 of 29 April 2011,[3] S-17/1 of 23 August 2011,[3] S-18/1 of 2 December 2011,[4] 19/1 of 1 March 2012,[5] 19/22 of 23 March 2012,[5] S-19/1 of 1 June 2012,[6] 20/22 of 6 July 2012,[7] 21/26 of 28 September 2012,[8] 22/24 of 22 March 2013,[9] 23/1 of 29 May 2013,[10] 23/26 of 14 June 2013,[10] 24/22 of 27 September 2013,[11] 25/23 of 28 March 2014,[12] 26/23 of 27 June 2014,[13] 27/16 of 25 September 2014,[14] 28/20 of 27 March 2015,[15] 29/16 of 2 July 2015,[16] 30/10 of 1 October 2015,[17] 31/17 of 23 March 2016,[18] 32/25 of 1 July 2016,[19] 33/23 of 30 September 2016,[20] and S-25/1 of 21 October 2016,[21] 34/26 of 24 March 2017,[22] 35/26 of 23 June 2017,[23] 36/20 of 29 September 2017,[24] and 39/15 of 28 September 2018[25] and Security Council resolutions 1325 (2000) of 31 October 2000, 2042 (2012) of 14 April 2012, 2043 (2012) of 21 April 2012, 2118 (2013) of 27 September 2013, 2139 (2014) of 22 February 2014, 2165 (2014) of

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.

[4] Ibid., *Supplement No. 53B* and corrigendum (A/66/53/Add.2 and Corr.1), chap. II.

[5] Ibid., *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.

[6] Ibid., chap. V.

[7] Ibid., chap. IV, sect. A.

[8] Ibid., *Supplement No. 53A* (A/67/53/Add.1), chap. III.

[9] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

[10] Ibid., chap. V, sect. A.

[11] Ibid., *Supplement No. 53A* (A/68/53/Add.1), chap. III.

[12] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. IV, sect. A.

[13] Ibid., chap. V, sect. A.

[14] Ibid., *Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

[15] Ibid., *Seventieth Session, Supplement No. 53* (A/70/53), chap. II.

[16] Ibid., chap. V, sect. A.

[17] Ibid., *Supplement No. 53A* (A/70/53/Add.1), chap. II.

[18] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. II.

[19] Ibid., chap. IV, sect. A.

[20] Ibid., *Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

[21] Ibid., *Supplement No. 53B* and corrigendum (A/71/53/Add.2 and A/71/53/Add.2/Corr.1), chap. II.

[22] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect A.

[23] Ibid., chap. V, sect. A.

[24] Ibid., *Supplement No. 53A* (A/72/53/Add.1), chap. III.

[25] Ibid., *Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1), chap. III.

14 July 2014, 2170 (2014) of 15 August 2014, 2178 (2014) of 24 September 2014, 2191 (2014) of 17 December 2014, 2209 (2015) of 6 March 2015, 2235 (2015) of 7 August 2015, 2254 (2015) of 18 December 2015, 2258 (2015) of 22 December 2015, 2268 (2016) of 26 February 2016, 2286 (2016) of 3 May 2016, 2314 (2016) of 31 October 2016, 2319 (2016) of 17 November 2016, 2328 (2016) of 19 December 2016, 2332 (2016) of 21 December 2016, 2336 (2016) of 31 December 2016, 2393 (2017) of 19 December 2017 and 2401 (2018) of 24 February 2018, and the statements by the President of the Council of 3 August 2011,[26] 2 October 2013[27] and 17 August 2015,[28]

*Strongly condemning* the grave human rights situation in the Syrian Arab Republic, the indiscriminate killing and deliberate targeting of civilians as such, including those involving the continued indiscriminate use of heavy weapons and aerial bombardments, which has caused more than 400,000 fatalities, including the killing of more than 17,000 children, the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including by the starvation of civilians as a method of warfare and the use of chemical weapons, including chlorine gas, sarin and sulfur mustard, which are prohibited under international law, and acts of violence that foment sectarian tensions by the Syrian authorities against the Syrian population,

*Reiterating* that the only sustainable solution to the current crisis in the Syrian Arab Republic is through an inclusive and Syrian-led political process, under the auspices of the United Nations, that meets the legitimate aspirations of the Syrian people and the establishment of a constitutional committee that would prepare the work for free and fair elections and political transition in line with Security Council resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, with the full and meaningful participation of women, reaffirming in this regard the important role of women in the prevention and resolution of conflicts and in peacebuilding, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution,

*Expressing its full support* for the efforts of the Special Envoy for Syria to establish urgently a credible and legitimate constitutional committee to advance the efforts of the United Nations to achieve a sustainable political solution to the conflict in the Syrian Arab Republic in line with Security Council resolution 2254 (2015), and recalling that pursuant to Council resolution 2254 (2015) a political solution to the conflict in the Syrian Arab Republic also comprises free and fair elections, under the supervision of the United Nations, to the satisfaction of the governance and to the highest international standards of transparency and accountability, with all Syrians, including displaced persons and refugees, eligible to participate, as well as the establishment of a neutral and safe environment,

*Reconfirming* its endorsement of the Geneva communiqué of 30 June 2012, endorsing the joint statement on the outcome of the multilateral talks on Syria held in Vienna of 30 October 2015 and the statement of the International Syria Support Group of 14 November 2015 ("the Vienna statements") in pursuit of the full implementation of the Geneva communiqué, facilitated by the Special Envoy, as the basis for a Syrian-

[26] S/PRST/2011/16; see *Resolutions and Decisions of the Security Council, 1 August 2011–31 July 2012* (S/INF/67).

[27] S/PRST/2013/15; see *Resolutions and Decisions of the Security Council, 1 August 2013–31 July 2014* (S/INF/69).

[28] S/PRST/2015/15.

led and Syrian-owned political transition in order to end the conflict in the Syrian Arab Republic, and stressing that the Syrian people will decide the future of Syria,

*Noting with deep concern* the culture of impunity for the most serious violations of international law and violations and abuses of human rights law committed during the present conflict, which has provided a fertile ground for further violations and abuses,

*Recalling* that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar'a in March 2011, and noting that the violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and violent extremist groups, and terrorist groups, including so-called ISIL (also known as Da'esh), Nusrah Front (also known as Hay'at Tahrir al-Sham), Al-Qaida-affiliated terrorist groups, and all other individuals, groups, undertakings and entities associated with Al-Qaida or ISIL so designated by the Security Council, and other violent extremist groups,

*Recalling also* the specific obligations under international humanitarian law to respect and protect, in situations of armed conflict, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, and hospitals and other medical facilities, and to ensure that the wounded and sick receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required, recalling also that, under international law, attacks intentionally directed against hospitals and places where the sick and wounded are collected, provided that they are not military objectives, as well as attacks intentionally directed against buildings, material, medical units and transport and personnel using the distinctive emblems of the Geneva Conventions of 12 August 1949[29] in conformity with international law are war crimes, and recalling the applicable rules of international humanitarian law relating to the non-punishment of any person for carrying out medical activities compatible with medical ethics,

*Expressing grave concern* at the indiscriminate use of force by the Syrian authorities against civilians, which has caused immense human suffering and fomented the spread of extremism and extremist groups and which demonstrates the continuing failure of the Syrian authorities to protect the population and implement the relevant resolutions and decisions of United Nations bodies and has created a safe haven for crimes against humanity,

*Expressing grave concern also* at the remaining presence of extremism and violent extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular so-called ISIL (also known as Da'esh), Nusrah Front, Al-Qaida-affiliated terrorist groups, militias fighting on behalf of the regime and other violent extremist groups,

*Noting with serious concern* the observation of the Independent International Commission of Inquiry on the Syrian Arab Republic that non-State armed groups still resort to the use of force against civilians,

*Reaffirming its condemnation* in the strongest possible terms of the use of chemical weapons by anyone under any circumstances, emphasizing that any use of chemical weapons anywhere, at any time, by anyone, under any circumstances, is unacceptable and is and would be a violation of international law, and expressing its strong conviction that those individuals responsible for the use of chemical weapons must and should be held accountable,

[29] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

*Condemning in the strongest possible terms* the fact that chemical weapons have been used since 2012 in the Syrian Arab Republic, including as reported by the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism in its reports of 2016 and 2017, concluding that the Syrian Arab Armed Forces were responsible for the attacks which released toxic substances in Tallmannis in 2014 and in Sarmin and Qaminas in 2015, that ISIL (also known as Da'esh) used sulfur mustard in Mari' in 2015 and in Umm Hawsh in 2016 and that the Syrian Arab Republic was responsible for the release of sarin at Khan Shaykhun in 2017, accordingly noting with great concern the reports of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons regarding alleged incidents in Lataminah and Saraqib, as well as its interim report regarding the alleged use of toxic chemicals as a weapon in Duma, and demanding that the perpetrators immediately desist from any further use of chemical weapons,

*Expressing support* for the work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, welcoming its reports, strongly condemning the lack of cooperation by the Syrian authorities with the Commission of Inquiry, reiterating its decision to transmit the reports of the Commission of Inquiry to the Security Council, expressing its appreciation to the Commission of Inquiry for its briefings to members of the Security Council, and requesting that the Commission of Inquiry continue to brief the General Assembly and members of the Security Council,

*Noting with serious concern* the observation of the Commission of Inquiry that, since March 2011, the Syrian authorities have conducted widespread attacks against the civilian population as a matter of policy, including targeted attacks against protected persons and objects, including medical facilities, personnel and transport and blocked humanitarian convoys, as well as enforced disappearances, torture in detention, summary executions and other violations and abuses, and underscoring the need for those allegations to be examined and evidence to be collected and made available for future accountability efforts,

*Strongly condemning* the reported killing of detainees in Syrian military intelligence facilities and the widespread practice of enforced disappearance, arbitrary detention and the use of sexual and gender-based violence and torture in detention centres referred to in the reports of the Commission of Inquiry, including, but not limited to, Branch 215, Branch 227, Branch 235, Branch 251, the Air Force Intelligence Investigation Branch at Mazzah military airport and Saydnaya prison, including the reported practice of mass hangings by the authorities, as well as the reported killing of detainees at military hospitals, including Tishrin and Harasta hospitals,

*Expressing its deepest concern* about the findings of the Commission of Inquiry and also the allegations contained in the evidence presented by "Caesar" in January 2014 regarding the torture and execution of persons incarcerated by the Syrian authorities, and underscoring the need for those allegations and similar evidence to be collected, examined and made available for future accountability efforts,

*Recalling* the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, noting the repeated encouragement by the High Commissioner for the Security Council to refer the situation to the International Criminal Court, and regretting that a draft resolution[30] was not adopted notwithstanding broad support from Member States,

[30] S/2014/348.

*Noting with concern* the existence and application of Law No. 10/2018 in the national legislation of the Syrian Arab Republic and similar measures, which would have a significant detrimental impact on the rights of Syrians displaced by the conflict to claim their property and to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and calling for its immediate repeal,

*Expressing concern* that the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015), 2258 (2015), 2268 (2016), 2286 (2016), 2393 (2017) and 2401 (2018) remains largely unfulfilled, and noting the urgent need to strengthen efforts to address the humanitarian situation in the Syrian Arab Republic, including through protection of civilians and full, immediate, unimpeded and sustained humanitarian access,

*Recalling its commitment* to Security Council resolutions 2170 (2014), 2178 (2014) and 2253 (2015) of 17 December 2015,

*Alarmed* that more than 5.6 million refugees, including more than 3.8 million women and children, have been forced to flee the Syrian Arab Republic and that 13.6 million people in the Syrian Arab Republic, of whom 6.5 million are internally displaced, require urgent humanitarian assistance, which has resulted in an influx of Syrian refugees into neighbouring countries, other countries in the region and beyond, and alarmed at the risk the situation presents to regional and international stability,

*Expressing its profound indignation* at the death of more than 17,000 children and the many more injured since the beginning of the peaceful protests in March 2011, and at all grave violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, sexual violence, kidnapping and abductions, attacks on schools and hospitals, and denial of humanitarian access, as well as their arbitrary arrest, detention, torture and ill-treatment and their use as human shields,

*Recalls with serious concern* the findings of the Commission of Inquiry in its report entitled "Out of sight, out of mind: deaths in detention in the Syrian Arab Republic", noting in this regard the recent issuing of death notifications of detained individuals by the Syrian authorities, which provides further indication of systematic violations of international human rights law and international humanitarian law, and urging the Syrian authorities to provide families with the remains of their relatives whose fate has been disclosed, including those who have been summarily executed, to take all appropriate measures immediately to protect the lives and rights of all persons currently detained or unaccounted for and to clarify the fate of those who remain missing or are still in custody,

*Expressing its deep appreciation* for the significant efforts that have been made by neighbouring countries and other countries in the region to accommodate Syrians, while acknowledging the increasing financial, socioeconomic and political impact of the presence of large-scale refugee and displaced populations in those countries,

*Underscoring* the critical need to support efforts for the safe and voluntary return of refugees and internally displaced persons to their home areas, including the rehabilitation of affected areas and the provision of security and material needs in accordance with international law, including applicable provisions of the Convention relating to the Status of Refugees[31] and the Protocol thereto,[32] and taking into account the interests of those countries hosting refugees,

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[31] United Nations, *Treaty Series*, vol. 189, No. 2545.

[32] Ibid., vol. 606, No. 8791.

*Welcoming* the efforts of the United Nations and the League of Arab States and all diplomatic efforts to achieve a political solution to the Syrian crisis based on the final communiqué of the Action Group for Syria of 30 June 2012[33] and consistent with Security Council resolution 2254 (2015),

*Expressing full support* for the efforts of the Special Envoy of the Secretary-General for Syria, with a view to the protection of the civilian population and the full implementation of the Syrian political process that establishes credible, inclusive and non-sectarian governance in accordance with the final communiqué and consistent with Security Council resolutions 2254 (2015) and 2258 (2015), urging the Special Envoy to convene the constitutional committee in order to pave the way for the negotiation of a genuine political transition, noting with appreciation the mediation efforts to facilitate the establishment of a ceasefire in the Syrian Arab Republic, as noted by the Security Council in its resolution 2336 (2016), supporting the efforts to end violence, while expressing deep concern at the violations, demanding that all parties to the ceasefire in the Syrian Arab Republic respect their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence to ensure respect for those commitments and the full implementation of those resolutions, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic, and to bring to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

1. *Strongly condemns* the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law committed in the Syrian Arab Republic and the indiscriminate and disproportionate attacks in civilian areas and against civilian infrastructure, in particular attacks on medical facilities and schools, which continue to claim civilian lives, and demands that all parties comply with their obligations under international humanitarian law;

2. *Deplores and condemns in the strongest terms* the continued armed violence by the Syrian authorities against its own people since the beginning of the peaceful protests in 2011, and demands that the Syrian authorities immediately put an end to all attacks on their own people, take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects and meet their responsibilities to protect the Syrian population and immediately implement Security Council resolutions 2254 (2015), 2258 (2015) and 2286 (2016);

3. *Urges* all Member States, especially the members of the International Syria Support Group, to create conditions for continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations, by working towards the nationwide ceasefire, to enable full, immediate and safe humanitarian access and to lead to the release of those arbitrarily detained, consistent with Security Council resolution 2254 (2015), as only a durable and inclusive political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

4. *Strongly condemns* any use of chemical weapons, such as chlorine, sarin and sulphur mustard, by any party to the conflict in the Syrian Arab Republic, emphasizes that the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons anywhere, at any time, by anyone, under any

[33] Security Council resolution 2118 (2013), annex II.

circumstances, is unacceptable, constitutes one of the most serious crimes under international law and is a violation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction[34] and Security Council resolution 2118 (2013), and expresses its strong conviction that individuals responsible for the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons must and should be held accountable;

5. *Also strongly condemns* the continued use of chemical weapons in the Syrian Arab Republic, in particular the chlorine attack on 4 February 2018 in Saraqib and the attack on 7 April 2018 in Duma, which killed dozens of men, women and children and severely injured hundreds more, recalls the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors, recalls the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, and demands that the Syrian regime and so-called ISIL (also known as Da'esh) immediately desist from any further use of chemical weapons;

6. *Expresses grave concern* at the reported chemical weapons attack in Duma on 7 April 2018, notes the latest report of the Commission of Inquiry that a vast body of evidence suggests that chlorine was dropped by helicopter on a residential building, and looks forward to the final findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons on that attack;

7. *Calls for* a significant enhancement of the verification measures of the Organisation for the Prohibition of Chemical Weapons, and welcomes the arrangements that the Organisation will put in place to identify the perpetrators of the use of chemical weapons;

8. *Demands* that the Syrian regime adhere fully to its international obligations, including the requirement that it declare in full its chemical weapons programme, with special emphasis on the need for the Syrian Arab Republic to urgently resolve the verified gaps, inconsistencies and discrepancies pertaining to its declaration in respect of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and to eliminate its chemical weapons programme in its entirety, as referred to in the report of the Director General of the Organization for the Prohibition of Chemical Weapons dated 22 February 2016[35] indicating that the Technical Secretariat is at present unable to verify fully that the declaration and related submissions of the Syrian Arab Republic are accurate and complete, as required by the Convention and decision EC-M-33/DEC.1 of the Executive Council of the Organization for the Prohibition of Chemical Weapons;[36]

9. *Requests* additional procedures for stringent verification pursuant to article IV, paragraph 8, and article V, paragraph 10, of the Convention, in order to ensure the complete destruction of the Syrian chemical weapons programme and prevent any further use of chemical weapons;

10. *Deplores and condemns in the strongest terms* the continued widespread and systematic gross violations and abuses of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities, the Government-affiliated militias and those who fight on their behalf, including those deliberately targeting civilians or civilian objects, including attacks on schools,

[34] United Nations, *Treaty Series*, vol. 1974, No. 33757.

[35] EC-81/HP/DG.1.

[36] Security Council resolution 2118 (2013), annex I.

hospitals and places of worship, with heavy weapons, aerial bombardments, cluster munitions, ballistic missiles, barrel bombs, chemical or other weapons and other force against civilians, as well as the starvation of the civilian population as a method of warfare, attacks on schools, hospitals and places of worship, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of peaceful protesters, human rights defenders and journalists, individuals and members of communities on the basis of their religion or belief, arbitrary detention, enforced disappearances, violations of the human rights of women and children, forced displacement of members of minority groups and of those opposed to the Syrian regime, unlawful interference with access to medical treatment, failure to respect and protect medical personnel, torture, systematic sexual and gender-based violence, including rape in detention, and ill-treatment;

11. *Condemns unequivocally* all attacks and violence against journalists and media workers by the Syrian authorities, the Government-affiliated militias and non-State armed groups, urges all parties to respect the professional independence and rights of journalists, and recalls in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict shall be considered civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians;

12. *Strongly condemns* all violations and abuses of human rights and violations of international humanitarian law, including the killing and persecution of individuals and communities on the basis of their religion or beliefs, by armed extremist groups, as well as any human rights abuses or violations of international humanitarian law by non-State armed groups, including Hizbullah and those designated as terrorist groups by the Security Council;

13. *Deplores and strongly condemns* the terrorist acts and violence committed against civilians by so-called ISIL (also known as Da'esh), Nusrah Front (also known as Hay'at Tahrir al-Sham), Al-Qaida-affiliated terrorist groups, terrorist groups so designated by the Security Council and other violent extremist groups and their continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law, and reaffirms that terrorism cannot and should not be associated with any religion, gender, ethnicity, nationality or civilization;

14. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by all terrorist groups and armed groups, including so-called ISIL (also known as Da'esh), in particular the killing of women and girls, sexual and gender-based violence, including the enslavement and sexual exploitation and abuse of women and girls and the forced recruitment, use and abduction of children;

15. *Condemns* the reported forced displacements of the population in the Syrian Arab Republic, including forced displacement of civilians as a result of local truce agreements, as highlighted by the Commission of Inquiry, and the alarming impact thereof on the demography of the country, which amounts to a strategy of radical demographic change initiated by the Syrian authorities, its allies and other non-State actors, calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to war crimes and crimes against humanity, notes that impunity for such crimes is unacceptable, reaffirms that those responsible for such breaches of international law, must be brought to justice, and supports efforts to collect evidence in view of future legal action;

16. *Reminds* the Government of the Syrian Arab Republic of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment,[37] including its obligation to take effective measures to prevent acts of torture in any territory under its jurisdiction, and calls upon all States parties to the Convention to comply with any relevant obligations under the Convention, including with respect to the extradite or prosecute principle contained in article 7 of the Convention;

17. *Strongly condemns* the reported persistent and widespread use of sexual violence, abuse and exploitation, including in government detention centres, including those run by the intelligence agencies, and notes that such acts may constitute violations of international humanitarian law and violations and abuses of international human rights law, and in this regard expresses deep concern at the prevailing climate of impunity for sexual and gender-based violence;

18. *Also strongly condemns* all violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, rape and all other forms of sexual violence, abductions, denial of humanitarian access for children, and attacks on civilian objects, including schools and hospitals, as well as their arbitrary arrest, unlawful detention, torture and ill-treatment and their use as human shields;

19. *Reaffirms* the Syrian authorities' responsibility for the systematic use of enforced disappearances, takes note of the assessment of the Commission of Inquiry that the Syrian authorities' use of enforced disappearances amounts to a crime against humanity, and condemns the targeted disappearances of young men and the exploitation of ceasefires as an opportunity to forcibly recruit and arbitrarily detain them;

20. *Demands* that the Syrian authorities, in accordance with their obligations under relevant provisions of international human rights law, including the right to life and the right to the enjoyment of the highest attainable standard of physical and mental health, promote non-discriminatory access to health services and respect and protect medical and health personnel from obstruction, threats and physical attacks;

21. *Strongly condemns* all attacks on medical and health personnel, their means of transport and equipment, as well as on hospitals and other medical facilities, deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic, and reaffirms that humanitarian workers and their means of transport, equipment and facilities must be protected in accordance with international humanitarian law;

22. *Stresses* that the situation in Idlib is of particular concern, expresses its support for the current agreement to cease hostilities in order to avoid a humanitarian catastrophe, and calls on the guarantors of that agreement to ensure that the ceasefire is upheld;

23. *Demands* that the Syrian authorities cooperate fully with the Commission of Inquiry, including by granting it immediate, full and unhindered access throughout the Syrian Arab Republic;

24. *Also demands* that the Syrian authorities meet their responsibilities to protect the Syrian population;

25. *Strongly condemns* the intervention in the Syrian Arab Republic of all foreign terrorist fighters and those foreign organizations and foreign forces fighting on behalf of the Syrian regime, expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the

[37] United Nations, *Treaty Series*, vol. 1465, No. 24841.

region, and demands that all foreign terrorist fighters, and those who are fighting in support of the Syrian authorities, including all militias sponsored by foreign Governments, immediately withdraw from the Syrian Arab Republic;

26. *Demands* that all parties immediately put an end to all violations and abuses of international human rights law and violations of international humanitarian law, recalls, in particular, the obligation under international humanitarian law to distinguish between civilians and combatants and the prohibition against indiscriminate and disproportionate attacks and all attacks against civilians and civilian objects, further demands that all parties to the conflict take all appropriate steps to protect civilians, in compliance with international law, including by desisting from attacks directed against civilian objects, such as medical centres, schools and water stations, and refrain from militarizing such facilities, seek to avoid establishing military positions in densely populated areas and enable the evacuation of the wounded and all civilians who wish to leave areas of conflict, including besieged areas, and recalls in this regard that the Syrian authorities bear primary responsibility for protecting their population;

27. *Condemns in the strongest terms* all attacks on protected objects, including indiscriminate and disproportionate attacks and those which may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

28. *Recalls* the statements made by the Special Envoy of the Secretary-General for Syria, Staffan de Mistura, indicating that the overwhelming majority of the civilian casualties in the Syrian Arab Republic have been caused by the indiscriminate use of aerial bombardments, demands in this regard that the Syrian authorities immediately cease any attacks on civilians, any disproportionate attacks and any indiscriminate use of weapons in populated areas, and recalls in this regard the obligation to respect international humanitarian law in all circumstances;

29. *Emphasizes* the need for accountability for crimes involving breaches of international law, in particular of international humanitarian law and human rights law, some of which may constitute war crimes or crimes against humanity, committed in the Syrian Arab Republic since March 2011, through fair and independent investigations and prosecutions at the domestic or international level;

30. *Urges* all Member States and parties to the conflict to cooperate fully with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, including through the provision of relevant information and documentation, stresses its mandate to closely cooperate with the Commission of Inquiry, and also urges the Mechanism to make a particular effort to ensure consultation and cooperation with Syrian civil society organizations;

31. *Welcomes* the reports of the Mechanism for 2017 and 2018, and invites the head of the Mechanism to prepare the reports of the Mechanism for presentation on an annual basis in the month of April at a plenary meeting of the General Assembly, starting at its seventy-third session, under the agenda item entitled "Prevention of armed conflict", within existing resources;

32. *Also welcomes* the voluntary contributions made by Member States to the funding of the Mechanism, invites all Member States to make additional financial contributions, and notes the steps taken by the Secretary-General in response to the call to include the necessary funding for the Mechanism in his next budget proposal;

33. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held

to account through appropriate, fair and independent domestic or international criminal justice mechanisms, in accordance with the principle of complementarity, stresses the need to pursue practical steps towards this goal, and for that reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard;

34. *Welcomes* the efforts by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes within their jurisdiction committed in the Syrian Arab Republic, encourages them to continue to do so and to share relevant information between States in accordance with their national legislation and international law, and also encourages other States to consider doing the same;

35. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to assume its responsibility for providing urgent financial support to enable the host countries and communities to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

36. *Calls upon* all members of the international community, including all donors, to fulfil their previous pledges and continue to provide much-needed support to the United Nations, its specialized agencies and other humanitarian actors to provide humanitarian assistance to the millions of Syrians displaced both internally and in host countries and communities;

37. *Welcomes* the efforts of those countries outside the region that have put in place measures and policies to assist and host Syrian refugees, encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, with a view to providing Syrian refugees with protection and humanitarian assistance;

38. *Strongly condemns* the intentional denial of humanitarian assistance to civilians, from whatever quarter, and in particular the denial of medical assistance and the withdrawal of water and sanitation services to civilian areas, which has recently worsened, stressing that the starvation of civilians as a method of warfare is prohibited under international law, noting especially the primary responsibility of the Government of the Syrian Arab Republic in this regard, and deplores the deteriorating humanitarian situation;

39. *Demands* that the Syrian authorities and all other parties to the conflict ensure the full, immediate, unimpeded and sustained access of the United Nations and humanitarian actors, including to besieged and hard-to-reach areas, consistent with Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015), 2258 (2015), 2332 (2016), 2393 (2017) and 2401 (2018);

40. *Strongly condemns* practices, including abduction, hostage-taking, arbitrary and incommunicado detention, torture, the murder of innocent civilians and summary executions, carried out by non-State armed groups and terrorist groups so designated by the Security Council, most notably so-called ISIL (also known as Da'esh) and Nusrah Front (also known as Hay'at Tahrir al-Sham), and underlines that such acts may amount to crimes against humanity;

41. *Deplores* the suffering and torture in detention centres throughout the Syrian Arab Republic, as depicted in the reports of the Commission of Inquiry and the Office of the United Nations High Commissioner for Human Rights, as well as in the evidence presented by "Caesar" in January 2014, and in the reports of widespread killing of detainees in Syrian military intelligence facilities;

42. *Strongly condemns* the reported killing of detainees in Syrian military intelligence facilities, in particular in the Mazzah airport detention facility, the

Harasta Air Force Intelligence Branch and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees in Adra prison and at military hospitals, including Mazzah, Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

43. *Calls for* the appropriate international monitoring bodies to be granted access to detainees in government prisons and detention centres, including all military facilities referred to in the reports of the Commission of Inquiry;

44. *Demands* that all parties take all appropriate steps to protect civilians and persons hors de combat, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the population of the Syrian Arab Republic lies with the Syrian authorities;

45. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular that of Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolutions 2199 (2015) of 12 February 2015 and 2347 (2017) of 24 March 2017, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

46. *Urges* all parties to the conflict to take all appropriate steps to ensure the safety and security of United Nations and associated personnel, personnel of the specialized agencies and all other personnel engaged in humanitarian relief activities as required by international humanitarian law, without prejudice to their freedom of movement and access, stresses the need not to impede or hinder these efforts, recalls that attacks on humanitarian workers may amount to war crimes, and notes in this regard that the Security Council has reaffirmed that it will take further measures in the event of non-compliance with its resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2234 (2015), 2258 (2015), 2286 (2016), 2393 (2017) and 2401 (2018) by any Syrian party;

47. *Urges* the international community to support the leadership and full and effective participation of women in all efforts aimed at finding a political solution to the Syrian crisis, as envisaged by the Security Council in its resolutions 1325 (2000), 2122 (2013) of 18 October 2013 and 2242 (2015) of 13 October 2015;

48. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, reiterates its commitment to the national unity and territorial integrity of the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the final communiqué of the Action Group for Syria of 30 June 2012,[33] consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, with the full and effective participation of women, where there is no room for sectarianism or discrimination on ethnic, religious, linguistic, gender or any other grounds, and where all persons receive equal protection, regardless of gender, religion or ethnicity, and further demands that all parties work urgently towards the comprehensive implementation of the final communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions.

## Draft resolution V
## Situation of human rights in Myanmar

*The General Assembly*,

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention on the Rights of the Child[3] and other relevant international law and human rights law instruments,

*Noting* the importance of the role of regional organizations in efforts to achieve pacific settlement of local disputes, as stipulated in Chapter VIII of the Charter,

*Reaffirming* its previous resolutions on the situation of human rights in Myanmar, the most recent of which being resolution 72/248 of 24 December 2017, and recalling the resolutions and decisions of the Human Rights Council, the most recent of which being resolutions 39/2 of 27 September 2018[4] and 37/32 of 23 March 2018[5] and decision S-27/1 of 5 December 2017,[6] and the presidential statement issued by the Security Council on 6 November 2017,[7]

*Welcoming* the appointment by the Secretary-General of a Special Envoy on Myanmar, the cooperation of the Government of Myanmar with the Special Envoy and the agreement on the opening of the office of the Special Envoy in Nay Pyi Taw, and commending the work of the Special Envoy since her appointment, including her recent visits to the region and her consultations with a range of interlocutors,

*Welcoming also* the mandate of the independent international fact-finding mission on Myanmar, established by the Human Rights Council in its resolution 34/22, and the decision by the Council in its resolution 39/2 to extend it,

*Welcoming* the decision by the Human Rights Council, in its resolution 39/2, to establish an ongoing independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over these crimes, in accordance with international law,

*Welcoming also* the work of the independent international fact-finding mission on Myanmar, deeply regretting that the Government of Myanmar has not cooperated with the fact-finding mission, and urging the Government to grant it and other human rights mechanisms full, unrestricted access to all areas and interlocutors,

*Strongly regretting* the decision of the Government of Myanmar to discontinue cooperation with the Special Rapporteur on the situation of human rights in Myanmar and to deny her access to Myanmar since January 2018, and calling upon the Government of Myanmar to resume its cooperation with the Special Rapporteur without delay,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[4] See *Official Records of the General Assembly, Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1), chap. II.
[5] Ibid., *Supplement No. 53* (A/73/53), chap. IV.
[6] Ibid., chap. III.
[7] S/PRST/2017/22.

*Welcoming* the report of the Special Rapporteur on the situation of human rights in Myanmar,[8]

*Expressing grave concern* at continuing reports of serious human rights violations and abuses in Myanmar, in particular in Rakhine State, as well as in Kachin and northern Shan States,

*Continuing to underline* the need for the armed forces of Myanmar to take immediate steps to protect all persons within the country, including those belonging to the Rohingya community, by respecting international law, including human rights law, and ending the violence, and calling for urgent steps to ensure independent and impartial investigations into all human rights violations and abuses and that those displaced by violence are able to voluntarily return in safety and dignity to their places of origin in a sustainable manner,

*Reiterating its deep distress* at reports that unarmed Rohingya in Rakhine State are being subjected to the excessive use of force and violations of human rights by the military and security forces, including extrajudicial, summary or arbitrary killings, rape and other forms of sexual and gender-based violence, arbitrary detention and the enforced disappearance of Rohingya civilians in Rakhine State, and at reports of large-scale destruction of homes and systematic evictions in northern Rakhine State, including the use of arson and violence, as well as the unlawful use of force by non-State actors,

*Reiterating its grave concern* that, in spite of the fact that Rohingya Muslims lived in Myanmar for generations prior to the independence of Myanmar, they were made stateless by the enactment of the 1982 Citizenship Law and were eventually disenfranchised, in 2015, from the electoral process,

*Reaffirming* that the denial of citizenship status and related rights to Rohingya Muslims and others, including voting rights, is a serious human rights concern,

*Noting with deep concern* that the targeted violence against the Rohingya Muslims and others in Rakhine State has forced over 723,000 people — most of them women and children — to flee to Bangladesh since 25 August 2017,

*Noting with deep concern also* the security, human rights and humanitarian situation in Rakhine, Kachin and Shan States and the continued serious violations and abuses of human rights of Rohingya Muslims and of persons belonging to other minorities, as well as the statelessness, disenfranchisement, economic dispossession, marginalization, deprivation of livelihood and restrictions on freedom of movement for persons belonging to the Rohingya community, including the confinement of approximately 120,000 people in camps for internally displaced persons, the majority of whom rely entirely on foreign aid,

*Noting* the stated commitment of the Government of Myanmar to implementing the recommendations of the Advisory Commission on Rakhine State, regretting that over the past year the Government of Myanmar has not yet implemented the recommendations, and calling on the Government of Myanmar to implement fully the recommendations of the Commission, including those regarding inclusive development, freedom of movement, human rights, security sector reform, humanitarian access and access by the media, and a pathway to full citizenship for all individuals without discrimination and regardless of ethnicity or religion, and to address the underlying causes of the situation in Rakhine State,

*Acknowledging with grave concern* statements made by the Secretary-General on 26 February 2018, the United Nations High Commissioner for Human Rights on

[8] A/73/332.

7 March 2018, the Assistant Secretary-General for Human Rights on 6 March 2018 and the Secretary-General of the Organization of Islamic Cooperation on 27 February 2018, on the situation of human rights in Rakhine State, in which they referred to ethnic cleansing in Myanmar, and recalling the resolution adopted by the Council of Foreign Ministers of the Organization of Islamic Cooperation at its forty-fifth session on the establishment of an Organization of Islamic Cooperation ad hoc ministerial committee on accountability for human rights violations against the Rohingyas and the recommendations made by the participants in the international consultation meeting on the Rohingya crisis, which was held on 6 July 2018 in Ankara,

*Welcoming* the visit of the Security Council to Rohingya camps in Cox's Bazar, Bangladesh, from 28 April to 1 May 2018, and sharing its grave concern at the scale of the humanitarian crisis on the ground and its emphasis on finding a solution to the current situation of the Rohingya,

*Welcoming also* the visit of the Secretary-General to Rohingya camps in Cox's Bazar, Bangladesh, in July 2018, recalling his statement to the Security Council on 28 August 2018, in which he referred to the crisis in Rakhine State as "one of the world's worst humanitarian and human rights crises", and commending the Secretary-General's continued attention to this situation,

*Expressing concern* at the reports of continued intimidation and violence against the remaining Rohingya Muslim population and other minority groups in Myanmar,

*Recalling* the responsibility of States to comply with their relevant obligations, to prosecute those responsible for violations of international law, including international humanitarian law, international human rights law, international criminal law and international refugee law, as well as abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated, with a view to ending impunity,

*Reiterating* the urgent need to ensure that all those responsible for crimes related to violations and abuses of international human rights law and international criminal law are held to account through credible and independent national, regional or international criminal justice mechanisms, while recalling the authority of the Security Council in this regard,

*Noting* the establishment of an independent commission of enquiry by the Government of Myanmar on 30 July 2018 as a step towards ensuring accountability for the human rights violations and abuses committed in Rakhine State, provided that the commission of enquiry, unlike previous national investigative mechanisms, is able to work with independence, impartiality, transparency and objectivity,

*Noting also* the initial steps taken by the Government of Myanmar to improve the situation in Rakhine State for all communities, including the setting up of the Central Committee for the Implementation of Peace, Stability and Development in Rakhine State and of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine, while underscoring the need for expedited implementation of key reforms, including access to citizenship and freedom of movement, to create the conditions necessary for refugees and other forcibly displaced persons to return to their places of origin voluntarily, safely and with dignity,

*Re-emphasizing* the urgent right of all refugees and displaced persons to return home in safety, dignity and in a voluntary and sustainable manner,

*Noting* the signing, on 6 June, of a memorandum of understanding between Myanmar and the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees on assistance in the repatriation process of displaced persons from Rakhine State,

*Noting* the signing of bilateral instruments between Bangladesh and Myanmar and the subsequent formation of the joint working group, while underlining the need to create an environment conducive to the safe, voluntary, dignified and sustainable return of the displaced Rohingya, including assurances about the non-occurrence of violence, the rights related to citizenship and mobility and the accountability of perpetrators and justice for victims,

*Expressing deep concern* regarding the continuing departure of members of the remaining Rohingya population and persons belonging to other minorities to Bangladesh, and strongly urging the Government of Myanmar and the armed forces to lift the curfew order in Rakhine State, in particular to ensure freedom of movement and the safety and security of all persons without distinction of any kind, and to put an end to the extortion and intimidation of the Rohingya population,

1. *Expresses grave concern* at the findings of the independent international fact-finding mission on Myanmar[9] that there is sufficient information to warrant investigation and prosecution so that a competent court may determine liability for genocide in relation to the situation in Rakhine State, that crimes against humanity and war crimes have been committed in Kachin, Rakhine and Shan States, including murder, imprisonment, enforced disappearance, torture, rape, sexual slavery and other forms of sexual violence, persecution and enslavement, that children were subjected to and witnessed serious human rights violations, including killing, maiming and sexual violence, that there are reasonable grounds to conclude that serious crimes under international law have been committed that warrant criminal investigation and prosecution and that the military has consistently failed to respect international human rights law and international humanitarian law;

2. *Strongly condemns* all violations and abuses of human rights in Myanmar, as set out in the report of the fact-finding mission,[9] including the widespread, systematic and gross human rights violations and abuses committed in Rakhine State, including the presence of elements of extermination and deportation and the systematic oppression and discrimination that the fact-finding mission concluded may amount to persecution and to the crime of apartheid, also strongly condemns the grossly disproportionate response of the military and the security forces, deplores the serious deterioration of the security, human rights and humanitarian situation and the exodus of more than 723,000 Rohingya Muslims and other minorities to Bangladesh and the subsequent depopulation of northern Rakhine State, and calls upon the Myanmar authorities to ensure that those responsible for violations of international law, including human rights violations and abuses, are held accountable and removed from positions of power;

3. *Calls* for a full and independent investigation of the human rights violations and abuses committed, including against the Rohingya Muslims and persons belonging to other minorities, as reported by various United Nations bodies, including the Human Rights Council, the fact-finding mission and the Special Representative of the Secretary-General on Sexual Violence in Conflict, to ensure that those responsible for such crimes are held accountable;

4. *Notes* the establishment of an independent commission of enquiry by the Government of Myanmar as a step towards ensuring accountability for investigating alleged violations and abuses of human rights in the Rakhine State, provided that the Commission, unlike preceding national investigative mechanisms, is able to work with independence, impartiality, transparency and objectivity in a credible way in line with international standards, and encourages the commission of enquiry to seek support and expertise from the United Nations and the international community;

[9] See A/HRC/39/64.

5. *Calls* for the expeditious entry into operation of the independent mechanism established by the Human Rights Council and steps to secure its effective functioning as soon as possible;

6. *Notes* the recommendation by the fact-finding mission on the conduct of a comprehensive, independent inquiry into the involvement of the United Nations in Myanmar since 2011, and encourages the United Nations system to follow up on the issues raised and to ensure that all engagement with Myanmar takes into account, and addresses, human rights concerns;

7. *Notes* the holding of the third session of the Twenty-first Century Panglong Conference from 11 to 16 July 2018 and the progress made towards the principles of a future democratic federal union of Myanmar, while calling for further steps, including an immediate cessation of fighting and hostilities, of targeting civilians and of all violations and abuses of international human rights law and international humanitarian law in northern Myanmar and an inclusive and comprehensive national political dialogue ensuring the full, effective and meaningful participation of all ethnic groups, women and young people, and persons with disabilities, as well as civil society, with the objective of achieving lasting peace;

8. *Reiterates* the urgent call upon the Government of Myanmar:

(a) To take the necessary measures to address the spread of discrimination and prejudice and to combat the incitement of hatred against Rohingya Muslims and other persons belonging to minorities, including Kachin and Shan, by publicly condemning such acts and combating hate speech, while fully respecting international human rights law, as well as by promoting interfaith dialogue in cooperation with the international community and encouraging political and religious leaders in the country to work towards reconciliation among communities and national unity through dialogue;

(b) To expedite efforts to eliminate statelessness and the systematic and institutionalized discrimination against members of ethnic and religious minorities, in particular relating to the Rohingya Muslims, by, inter alia, reviewing the 1982 Citizenship Law, which has led to deprivation of human rights, by ensuring equal access to full citizenship through a transparent, voluntary and accessible procedure and to all civil and political rights, by allowing for self-identification, by amending or repealing all discriminatory legislation and policies, including discriminatory provisions of the set of "protection of race and religion laws" enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control, and by lifting all local orders restricting rights to freedom of movement and access to civil registration, health and education services and livelihoods;

(c) To dismantle the camps for internally displaced persons in Rakhine State, ensuring that the return and relocation of internally displaced persons is carried out in accordance with international standards and best practices, including as set forth in the Guiding Principles on Internal Displacement;[10]

(d) To create the conditions necessary for the safe, voluntary, dignified and sustainable return of refugees, to proactively apprise the prospective returnees about developments in this regard and to formulate a time-bound road map for their implementation;

(e) To allow full and unhindered access for the delivery of humanitarian assistance, including gender-responsive assistance, by humanitarian actors, including the United Nations and its international partners, as well as by regional organizations, including, but not limited to, the Coordinating Centre for Humanitarian Assistance on

[10] E/CN.4/1998/53/Add.2, annex.

Disaster Management of the Association of Southeast Asian Nations, to affected persons and communities, without fear of reprisals, intimidation or attack, and in this regard urges the Government of Myanmar to implement the various international cooperation agreements that have not yet been fully implemented for the distribution of humanitarian aid to all affected areas, including Rakhine, Kachin and Shan States, without discrimination;

(f) To sustain the democratic transition of Myanmar by bringing all national institutions, including the military, under the democratically elected civilian government;

(g) To ensure full protection of the human rights and fundamental freedoms of all persons in Myanmar, including Rohingya Muslims and persons belonging to other minorities, in an equal and dignified manner in order to prevent further instability and insecurity, alleviate suffering, address the root causes of the situation and forge a viable, lasting and durable solution;

(h) To fulfil its human rights obligations and commitments to protect the rights to freedom of expression, association and peaceful assembly, to create and maintain a safe and enabling environment for civil society and independent media and to ensure the safety, security and freedom of journalists, media workers, civil society activists and human rights defenders, including while they are engaged in their work;

9. *Underscores* the importance of providing protection and assistance specifically tailored to women and girls and to the victims of sexual violence;

10. *Reiterates its deep concern* at the continued plight of Rohingya refugees and forcibly displaced persons living in Bangladesh and in other countries, and appreciates the commitment by the Government of Bangladesh to provide temporary shelter, humanitarian assistance and protection to them;

11. *Expresses grave concern* at the potential retraumatization of survivors of human rights violations and abuses, particularly child survivors and sexual violence survivors, and calls on all actors engaging in documentation work to follow international human rights standards and the "do-no-harm" principle for evidence-gathering in order to respect the dignity of survivors and to avoid retraumatization;

12. *Encourages* further cooperation between Myanmar and Bangladesh in order to expedite the establishment of conditions that will allow for the safe, sustainable and voluntary return of Rohingya refugees and forcibly displaced persons, with the full support and meaningful involvement of the international community, including the United Nations and its funds, programmes and agencies;

13. *Also encourages* the international community to (a) assist Bangladesh in providing humanitarian assistance to Rohingya refugees and forcibly displaced persons until such time as they are voluntarily repatriated to Myanmar in safety and dignity; (b) assist Myanmar in the provision of humanitarian assistance to affected persons of all communities who have been internally displaced, including those in camps for internally displaced persons within Rakhine State;

14. *Urges* the Government of Myanmar to continue to work with the Government of Bangladesh and the United Nations, including the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees, to allow the voluntary return of all refugees and forcibly displaced persons in conditions of safety and dignity to their places of origin in Myanmar, including through the implementation of the memorandum of understanding signed between the Government of Myanmar and the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees;

15. *Recognizes with appreciation* the assistance and support of the international community, including regional organizations, in particular the Association of Southeast Asian Nations, and the countries neighbouring Myanmar, and encourages support for the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transition process, inclusive socioeconomic development and sustainable peace, as well as its national reconciliation process involving all relevant stakeholders;

16. *Emphasizes* the need for the Governments of Myanmar and Bangladesh, as well as the United Nations, to ensure the voluntariness of the repatriation process and to ensure that the concerns, specific needs and requests of Rohingya refugees and other forcibly displaced persons are taken into account;

17. *Urges* the international community to support the underfunded 2018 joint response plan for the Rohingya humanitarian crisis to ensure adequate resources for addressing the humanitarian crisis;

18. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions relating to Myanmar, involving all relevant stakeholders, and to offer assistance to the Government of Myanmar;

(b) To extend the appointment of the Special Envoy on Myanmar and submit the report of the Special Envoy covering all relevant issues addressed in the present resolution to the General Assembly at its seventy-fourth session;

(c) To provide all assistance necessary to enable the Special Envoy to effectively discharge her mandate and to brief Member States every six months, or as otherwise requested or as warranted by the situation on the ground;

(d) To identify ways in which the existing mandates can more effectively deliver in their respective areas of responsibility and can complement each other's work through enhanced coordination;

(e) To call the continued attention of the Security Council to the situation in Myanmar with concrete recommendations for action towards resolving the humanitarian crisis, promoting the safe, dignified, voluntary and sustainable return of Rohingya refugees and forcibly displaced persons and ensuring accountability for those responsible for human rights violations;

19. *Requests* that the Special Envoy participate by way of interactive dialogue in the seventy-fourth session of the General Assembly;

20. *Decides* to remain seized of the matter, inter alia, on the basis of the reports of the Secretary-General, the fact-finding mission, the ongoing international mechanism, the Special Rapporteur of the Human Rights Council and the Special Envoy on Myanmar.

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**Seventy-third session**
Agenda item 74 (d)

# Promotion and protection of human rights: comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

## Report of the Third Committee*

*Rapporteur*: Ms. Katharina **Konzett-Stoffl** (Austria)

1. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-third session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-item (a), entitled "Implementation of human rights instruments", sub-item (b), entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", and sub-item (c), entitled "Human rights situations and reports of special rapporteurs and representatives", at its 17th to 37th meetings, from 15 to 19, from 22 to 26 and on 29 October 2018. An account of the Committee's discussion is contained in the relevant summary records.[1]

3. For the documents before the Committee under this sub-item, see document A/73/589.

4. At its 19th meeting, on 16 October, the Committee heard an introductory statement by the Director of the New York Office of the Office of the High Commissioner for Human Rights, who responded to questions posed and comments

* The report of the Committee on this item is being issued in five parts, under the symbols A/73/589, A/73/589/Add.1, A/73/589/Add.2, A/73/589/Add.3 and A/73/589/Add.4.

[1] A/C.3/73/SR.17, A/C.3/73/SR.18, A/C.3/73/SR.19, A/C.3/73/SR.20, A/C.3/73/SR.21, A/C.3/73/SR.22, A/C.3/73/SR.23, A/C.3/73/SR.24, A/C.3/73/SR.25, A/C.3/73/SR.26, A/C.3/73/SR.27, A/C.3/73/SR.28, A/C.3/73/SR.29, A/C.3/73/SR.30, A/C.3/73/SR.31, A/C.3/73/SR.32, A/C.3/73/SR.33, A/C.3/32/SR.34, A/C.3/73/SR.35, A/C.3/73/SR.36 and A/C.3/73/SR.37.

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made by the representatives of Azerbaijan, the Syrian Arab Republic, the Democratic People's Republic of Korea and the Islamic Republic of Iran.

5. No proposals were submitted under this sub-item.